

In item (10) of this section, the phrase "as a volunteer" is substituted for the former phrase "on a voluntary basis", and the reference to "a service to or for the State" is substituted for the former reference to "services of a State employee". These substitutions conform item (10) of this section to a similar, but more recently enacted provision in former CJ § 5-401(d)(2) -- now § 12-101(3) of this title.

Defined terms: "County" § 1-101  
 "Person" § 1-101

#### 12-402. LEGISLATIVE FINDINGS.

THE GENERAL ASSEMBLY FINDS THAT:

(1) THE STATE IS A UNIQUE BODY BECAUSE:

(I) THE STATE IS A SOVEREIGN POLITICAL BODY THAT THE PEOPLE HAVE ESTABLISHED DIRECTLY FOR THE SOLE PURPOSE OF PROVIDING FOR THEIR GOVERNMENT; AND

(II) THE REVENUE OF THE STATE DERIVES PRINCIPALLY FROM TAXES ON THE PEOPLE, RATHER THAN FROM COMMERCIAL ENTERPRISE;

(2) STATE PERSONNEL WHO ARE ACTING WITHIN THE SCOPE OF PUBLIC DUTIES AND RESPONSIBILITIES ARE CARRYING OUT A GOVERNMENTAL PROGRAM UNDER LAW AND, THUS, ARE DISCHARGING A PART OF THE PURPOSE AND SOVEREIGNTY OF THE STATE;

(3) DECISIONS OF COURTS THROUGHOUT THE UNITED STATES HAVE CREATED NEW GROUNDS FOR PERSONAL LIABILITY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE WHO IS DISCHARGING A PUBLIC DUTY;

(4) THOSE DECISIONS HAVE RESULTED IN:

(I) INCREASED DIFFICULTIES IN RECRUITING OR RETAINING QUALIFIED INDIVIDUALS FOR PUBLIC POSITIONS THAT INVOLVE THE EXERCISE OF DISCRETION OR DEALING WITH THE GENERAL PUBLIC; AND

(II) INCREASED DIFFICULTIES AND EXPENSE IN PROTECTING THESE INDIVIDUALS THROUGH PUBLIC, LIABILITY INSURANCE; AND

(5) AS A MATTER OF STATE POLICY, IT IS ESSENTIAL TO PROTECT FROM LIABILITY STATE PERSONNEL WHO ARE ACTING WITHIN THE SCOPE OF PUBLIC DUTIES AND RESPONSIBILITIES AND WITHOUT MALICE OR GROSS NEGLIGENCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 78A, § 16C(a)(1) through (4).