

(3) "OFFENDER" MEANS A PERSON ASSIGNED OR ORDERED TO PERFORM COMMUNITY SERVICE:

(I) BY A COURT ACCORDING TO THE PROVISIONS OF ARTICLE 27, § 726A OF THE CODE OR § 3-820 OF ~~THE COURTS~~ THIS ARTICLE; OR

(II) BY AN INTAKE OFFICER UNDER § 3-810 OF ~~THE COURTS~~ THIS ARTICLE.

(4) "PRIVATE PROVIDER" MEANS ~~A PRIVATE CHARITABLE ORGANIZATION AS DEFINED IN § 5-314 OF THE COURTS ARTICLE, A PUBLIC OR COMMUNITY SERVICE ASSOCIATION, OR A GOVERNMENTAL ENTITY NOT DEFINED BY PARAGRAPH (5) OF THIS SUBSECTION THAT PROVIDES A WORK PROJECT TO WHICH AN OFFENDER IS ORDERED OR ASSIGNED TO WORK~~ AN ORGANIZATION THAT:

(I) IS EXEMPT FROM TAXATION UNDER § 501(C) OF THE INTERNAL REVENUE CODE; AND

(II) 1. IS APPROVED BY A COMMUNITY SERVICE PROGRAM ADMINISTRATOR FOR PARTICIPATION IN A COMMUNITY SERVICE PROGRAM AS DESCRIBED IN ARTICLE 27, § 726A OF THE CODE; OR

2. PROVIDES WORK PROJECTS FOR JUVENILES ASSIGNED OR ORDERED TO PERFORM COMMUNITY SERVICE UNDER § 3-810 OR § 3-820 OF THIS ARTICLE.

(5) "PUBLIC PROVIDER" MEANS A UNIT OF STATE OR LOCAL GOVERNMENT THAT IS SUBJECT TO TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE (MARYLAND TORT CLAIMS ACT) OR TITLE 5, SUBTITLE 4 OF ~~THE COURTS~~ THIS ARTICLE (LOCAL GOVERNMENT TORT CLAIMS ACT) AND THAT REFERS AN OFFENDER TO OR PROVIDES A WORK PROJECT TO WHICH AN OFFENDER IS ORDERED OR ASSIGNED TO WORK.

(B) (1) A PRIVATE PROVIDER SHALL BE LIABLE UP TO THE LIMITS OF ANY THE LIABILITY INSURANCE COVERAGE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION OR ANY APPLICABLE INSURANCE COVERAGE, WHICHEVER IS GREATER, FOR THE NEGLIGENT ACTS OR OMISSIONS OF:

(I) THE PRIVATE PROVIDER OR ITS AGENTS IN PROVIDING PROJECTS OR SERVICES TO, OR PERFORMING DUTIES FOR OR ON BEHALF OF, A COMMUNITY SERVICE PROGRAM; AND

(II) AN OFFENDER IN THE COURSE OF PARTICIPATING IN A WORK PROJECT THE PRIVATE PROVIDER HAS PROVIDED FOR A COMMUNITY SERVICE PROGRAM.

(2) A PRIVATE PROVIDER SHALL NOT BE LIABLE FOR THE CONDUCT OF AN OFFENDER UNLESS THE OFFENDER'S CONDUCT WAS: