

(I) IN THE COURSE OF THE OFFENDER'S PARTICIPATION IN A PROJECT WHICH THE PRIVATE PROVIDER HAS PROVIDED FOR A COMMUNITY SERVICE PROGRAM; AND

(II) WITHIN THE SCOPE OF THE DUTIES WHICH THE OFFENDER WAS ASSIGNED OR ORDERED TO PERFORM.

(3) A PRIVATE PROVIDER SHALL MAINTAIN LIABILITY INSURANCE IN AT LEAST THE AMOUNTS SPECIFIED IN § 5-312(B)(3) OF THIS SUBTITLE.

(C) A PUBLIC PROVIDER AND ITS AGENTS SHALL BE LIABLE FOR THE NEGLIGENT ACTS OR OMISSIONS OF THE PUBLIC PROVIDER AND ITS AGENTS IN PROVIDING PROJECTS OR SERVICES TO, OR PERFORMING DUTIES FOR OR ON BEHALF OF, A COMMUNITY SERVICE PROGRAM TO THE EXTENT PERMITTED BY THE PROVISIONS OF THE MARYLAND TORT CLAIMS ACT OR THE LOCAL GOVERNMENT TORT CLAIMS ACT.

(D) THIS SECTION DOES NOT AFFECT AND MAY NOT BE CONSTRUED AS AFFECTING:

(1) THE LIABILITY OF AN OFFENDER;

(2) ANY IMMUNITIES FROM CIVIL LIABILITY OR ANY DEFENSE ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR AT COMMON LAW; ~~OR~~

(3) ANY LIMITATION ON DAMAGES ESTABLISHED BY LAW TO WHICH A PROVIDER OR ITS AGENTS OTHERWISE MAY BE ENTITLED; OR

(4) THE LIABILITY OF A PROVIDER OR ITS AGENTS FOR AN ACT OR OMISSION OF THE PROVIDER OR ITS AGENTS THAT CONSTITUTES GROSS NEGLIGENCE, RECKLESS OR WANTON MISCONDUCT, OR INTENTIONALLY TORTIOUS CONDUCT.

(E) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT AGAINST A PROVIDER OR ITS AGENTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.

Approved April 26, 1993.