

Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)

*BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 12-303
Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)*

BY repealing and reenacting, with amendments,
Article - State Government
Section 2-1801
Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)

Preamble

~~WHEREAS, The constitutions of Maryland and of most other states recognize that state legislators should be absolutely immune from liability for or inquiry into their legislative acts; and~~

~~WHEREAS, A quarter century ago the U.S. Supreme Court in U.S. v. Brewster, 408 U.S. 501, 512 (1972), said that the legislative privilege of members of Congress did not apply to "entirely legitimate" activities such as errands performed for constituents; and~~

~~WHEREAS, Numerous scholars have since concluded that the performance of constituent service results in better representation, serves a useful role in the performance of legislative oversight, and strengthens citizens' faith in their government; and~~

~~WHEREAS, In the past, some members of the General Assembly have been threatened with civil litigation, sued, or deposed in connection with constituent service activities; and~~

~~WHEREAS, It is desirable and in the public interest that members of the General Assembly be fully protected from civil liability for or inquiry into constituent service activities performed within the scope of their public duties, and that other states be encouraged to enact immunity provisions such as those embodied in this legislation; now, therefore;~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

5-399.8.

(A) (1) IN THIS SECTION, "CONSTITUENT SERVICE" INCLUDES GOOD FAITH INTERVENTION FOR INDIVIDUALS, GROUPS, ORGANIZATIONS, OR BUSINESSES OR