

**STATE BY STATE GUIDE TO  
SEX OFFENDER  
NOTIFICATION REQUIREMENTS  
AND  
NOT-FOR-PROFIT VOLUNTEER  
PROTECTION PROVISIONS**

**FEBRUARY 2015**



**Eagle**  
International Associates

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# EAGLE INTERNATIONAL ASSOCIATES, INC.

February 2015

Dear Clients:

It is with great pleasure that Eagle International Associates, Inc. presents its ***State by State Guide to Sex Offender Notification Requirements and Not-For-Profit Volunteer Protection Provisions*** booklet. Contributions to this publication were made by Eagle members. It is an example of the collective efforts of Eagle providing both service and benefits to clients. We hope that you will find this booklet informative and useful in your respective practices and businesses. We invite you to contact any Eagle member with questions or comments.

With Best Wishes,

The Members of Eagle International Associates, Inc.

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## INTRODUCTION

As an International Network of Defense Attorneys and Claims Adjusters, Eagle International Associates Inc. is in the unique position of being able to offer claims professionals access to Eagle publications that provide a national overview of certain claims issues as well as the resources to compile specific information for each state. In this publication we address a State by State Guide to Sex Offender Notification Requirements and Not-For-Profit Volunteer Protection Provisions. We hope you find this guide to be a useful resource.

There is increasing litigation regarding the obligation of institutions and facilities such as nursing homes, long term care facilities, assisted living facilities and adult residential communities to notify residents when a registered sex offender becomes a resident in the facility. We thought it would be helpful to provide a general state by state overview of existing notification requirements.

We also thought that a general overview of the immunity protections available to individuals acting as volunteers on behalf of non-profit organizations such as churches or other community service organizations might be a helpful claims resource.

The Federal Volunteer Protection Act, 42 U.S.C. § 14501 et. seq. provides volunteers for non-profit organizations and governmental entities immunity for liability for acts within the scope of the volunteer's responsibilities. The specific statute must be consulted for the circumstances under which immunity attaches and the exceptions to that immunity. In general terms, however, the immunity is afforded to volunteers acting within the scope of their volunteer duties and so long as their actions were not reckless, willful or criminal; they held any license or certification required of such volunteer; and the harm was not caused by the operation of a vehicle for which an operator's license is required. There are several exceptions set forth in the statute including situations in which a particular state imposes rights and/or obligations on volunteers by virtue of its own common law or statute. A general overview of state common law and statutory treatment of volunteer immunity is set forth below.

**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Alabama**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
The Alabama legislature attempted to pass a bill in 2010 which guaranteed that residents of nursing homes and other care facilities receive notification when anyone with a sexual abuse history is admitted. However, this bill never moved forward. Alabama does have a statute which requires a sex offender to notify local enforcement immediately upon transfer of residence or location. Ala. Code § 15-20A-10 (1975). The Code is silent on the issue of notification within long term care facilities.

**Alaska**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Alaska Statutes §12.63.010 provides for registration of sex offenders, and notifications to other jurisdictions. The Statutes are silent on the issue of notification within long term care facilities.

**Arizona**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Arizona Revised Statutes §§13-3801-13.4281 provide for registration of sex offenders, community notification and a sex offender website. The Statutes are silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: Ala. Code § 6-5-336 (1975)  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: No  
Statute: None  
Common Law Volunteer Protection: No  
Comment:

Alaska has certain statutes that provide similar protection including: (1) Alaska Stat. 09.65.170 (Limited liability of certain directors and officers), which provides immunity from tort damages arising in the scope of official duties as a member of a board of directors of officer of a non-profit organization, but is not specifically limited to volunteers; (2) Stat. 09.65.090 (Civil liability for emergency aid); and, (3) Alaska Stat. 44.21.450 (Civil liability of volunteer guardians).

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Statutory Volunteer Protection: Yes  
Statute: A.R.S. § 12-982  
Common Law Volunteer Protection: No  
Comment:  
The statute (i) applies to volunteers acting within the scope of their official functions and duties for a non-profit

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Arizona**  
*Continued*

**Arkansas** Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Arkansas Code §12-12-901 provides for sex offender registration and disclosure to professional license boards. The Code is silent on the issue of notification within long term care facilities.

**California** Statutory Notification: Yes  
Statute: Health & Safety Code Section 1522.01(a)  
Common Law Notification: No  
Comment:  
The statute provides that a registered sex offender must notify a long term care facility of his or her status prior to being admitted as a resident. Further, if the facility chooses to accept the sex offender as a resident, it is thereafter required to truthfully respond to inquiries about the presence of any sex offenders in the facility from other residents, prospective residents, their family members, or persons living within a one mile radius of the facility. (Health & Safety Code 1522.01(b).) The implication of this statute is that the facility does not have an affirmative duty to disclose the information until a request is made. However, this statute has not been expounded on by any court decision.

California Penal Code §290 provides for registration as a sex offender.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

corporation or organization, hospital or governmental agency, (ii) excludes conduct that is willful, wanton or gross negligence, (iii) employer remains liable for damages in a civil suit if conduct within course and scope and (iv) in the event of a MVA, insurance on the volunteer's vehicle provides excess coverage.

Statutory Volunteer Protection: Yes  
Statute: Ark. Code Ann. Sec 16-6-101, et. seq.  
Common Law Volunteer Protection: No  
Comment:  
AR Volunteer Immunity Act limits liability for volunteers in certain instances.

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Statutory Volunteer Protection: No  
Statute: None  
Common Law Volunteer Protection: No  
Comment:  
California law provides immunity from liability for volunteer directors and volunteer executive officers of nonprofit corporations for negligent acts that are performed (1) within the scope of their duties, (2) in good faith, and (3) without reckless, intentional, or grossly negligent conduct. (Cal. Corp. Code 5239.) However, there is no similar provision protecting all volunteers from liability.

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Colorado**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Colorado Revised Statutes §16-22-103 provides for registration of a sex offender, and internet posting of sex offenders. The Statutes are silent on the issue of notification within long term care facilities.

**Connecticut**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Connecticut General Statutes §54-250 provides for registration of sex offenders and public access to the registry. The Statutes are silent on the issue of notification within a long term care facility.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: C.R.S. 13-21-115.5  
Common Law Volunteer Protection: No  
Comment:  
However, "a plaintiff may sue and recover civil damages from a volunteer based upon a negligent act or omission involving the operation of a motor vehicle during an activity; except that the amount recovered from such volunteer shall not exceed the limits of applicable insurance coverage maintained by or on behalf of such volunteer with respect to the negligent operation of a motor vehicle in such circumstances." See subpart (5).

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Statutory Volunteer Protection: Yes  
Statute: Under several different statutes including 43 USC § 14501, et seq.  
Common Law Volunteer Protection: No  
43 USC § 14501, et seq preempts state law  
Comment:  
In addition to the Federal Act:  
C.G.S. § 7-308 - volunteer firefighters or departments;  
C.G.S. § 52-557l - nonprofit organizations which distribute food not liable for the condition of the food;  
C.G.S. §52-557m - uncompensated non-stock corporate directors and officers of a non-profit acting in good faith.  
C.G.S. §52-557n - municipalities and non-profit organizations

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Delaware**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Del Code §4120 deals generally with registration of sex offenders and community notification upon release from confinement. The Code is silent on the issue of notification within long term care facilities.

**District of  
Columbia**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
D.C. Code § 22-4001 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: 10 Del. C. § 8133  
Common Law Volunteer Protection: No  
Comment:  
Certain exceptions to immunity from liability are specifically enumerated in the statute.

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Statutory Volunteer Protection: Yes  
Statute: D.C. Code § 29-599.15, Non-profit volunteers  
Common Law Volunteer Protection: No  
Comment:

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Any person who serves in good faith as a volunteer, including an officer, director, trustee or any person who performs uncompensated services for the organization, is immune from civil liability for acts and omissions within the scope of duty.

Exceptions: willful misconduct, criminal conduct, or a transaction that resulted in an improper benefit to the volunteer. This immunity applies only if the non-profit corporation maintains liability insurance with a limit of coverage not less than \$200,000 per individual claim and \$500,000 per total claim that arise from the same transaction.

D.C. Code § 2-1345, Health care volunteers Volunteer Protection Statutes

Volunteers and directors of stipulated non-profits are immune from civil liability. Health care providers working in free clinics are not liable in civil damages for the care they provide. Free clinics that cannot afford insurance and their volunteers can be a part of a government indemnification program. Civil defense volunteers are not liable for civil damages.

**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Florida**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

There is a requirement under F.S. 943.0435 that requires a sexual offender to report to the sheriff's office in the county where the offender establishes or maintains a permanent, temporary or transient residence within 48 hours after establishing permanent, temporary or transient residence or being released from the custody, control or supervision of the Department of Corrections or from the custody of a private correctional facility.

**Georgia**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

O.C.G.A. § 42-1-12 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: F.S. 768.1355  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: No  
Statute: None  
Common Law Volunteer Protection: No  
Comment:

There does not appear to be just one overarching statute that addresses the liability of all volunteers of a nonprofit or governmental entity; there are several that address different situations.

O.C.G.A. § 51-1-20(a) is the broadest and most general statute in Georgia addressing this issue: "A person serving with or without compensation as a member, director, or trustee, or as an officer of the board without compensation, of any nonprofit hospital or association or of any nonprofit, charitable, or eleemosynary institution or organization or of any local governmental agency, board, authority, or entity shall be immune from civil liability for any act or any omission to act arising out of such service if such person was acting in good faith within the scope of his or her official actions and duties and unless the damage or injury was caused by the willful or wanton misconduct of such person."

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Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?

State

Georgia  
*Continued*

Hawaii

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

Haw. Rev. Stat. § 846E deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

O.C.G.A. § 51-1-20.1(b): Provides limited protection for a volunteer for a sports program or safety program of a nonprofit association, or any employee or officer of such nonprofit association conducting or sponsoring such sports or safety program, if such person was acting in good faith within the scope of his or her assigned duties.

O.C.G.A. § 51-1-42: Providing similar protection for volunteers providing transportation for senior citizens.

O.C.G.A. § 38-3-35: Addressing immunity from liability of agencies and emergency management workers in certain situations.

O.C.G.A. § 51-1-29.4: Addressing immunity from liability for volunteers (as well as other agents and employees) of a free health clinic.

O.C.G.A. § 15-11-104: Addressing immunity from liability of a volunteer guardian ad litem who acts in good faith.

Statutory Volunteer Protection: Yes  
Statute: HRS § 662D-2 General Volunteer Immunity  
A volunteer is immune from civil liability for damage or injury caused by the volunteer's negligent conduct if the volunteer acted in good faith and within the scope of duty for a non-profit organization or corporation, a hospital or a government entity; and if organization has a general liability policy during the time of injury and at the time the claim is made of not less than \$200,000 per occurrence and \$500,000 aggregate; or the organization has total assets of less than \$50,000. This statute is subject to

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

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**Hawaii**

*Continued*

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

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the exceptions in §662D-3, including acts or omissions of volunteer during the operation of a motor vehicle.

**HRS § 321-2.5 Volunteer Medical Assistance Personnel**

Except in cases of willful or criminal misconduct, gross negligence, or reckless misconduct, any volunteer medical assistance personnel providing volunteer medical assistance services shall not be liable for the death of or injury to persons, or for damage to property, as a result of any act or omission in the course of rendering volunteer medical assistance services.

**HRS § 663-1.5 Good Samaritan**

Any person who in good faith renders emergency care, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions, except for such damages as may result from the person's gross negligence or wanton acts or omissions.

**HRS § 663-1.55 Volunteer Firefighters**

Any volunteer firefighter who in good faith renders firefighting services shall not be liable for any civil damages resulting from the person's acts or omissions occurring during the course of firefighting, except for such damages as may result from the person's gross negligence, or wanton acts or omissions.

Common Law Volunteer Protection: No  
Comment:

**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Idaho**

Statutory Notification: Yes  
Statute: IDAPA 16.03.22.152  
Common Law Notification: No  
Comment:

**Illinois**

Statutory Notification: Yes  
Statute: (210 ILCS 45/2-216) (Illinois Nursing Home Act)  
Common Law Notification: No  
Comment:  
Notification of identified offenders. Every licensed facility shall provide to every prospective and current resident and resident's guardian, and to every facility employee, a written notice, prescribed by the Illinois Department of Public Health, advising the resident, guardian, or employee of his or her right to ask whether any residents of the facility are identified offenders. The notice shall

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**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Exceptions: No immunity attaches to the following categories of conduct:  
\*conduct which was willful, wanton, or involves fraud or knowing violation of the law;  
\*conduct for which liability insurance was purchased to the extent that it was purchased;  
\*intentional breach of fiduciary duty owed to the organization, corporation or members;  
\*acts or omissions not in good faith and involving intentional misconduct, fraud or knowing violation of the law.

Statute:

Idaho Code § 6-1605 Non-profit directors and volunteers

Idaho Code § 5-333, Volunteer ambulance attendant

Idaho Code § 41-3208, Fraternal benefit society

Idaho Code § 16-1633, Guardian ad litem

Idaho Code § 39-7703, Charity health care

Common Law Volunteer Protection:

Abolished

Comment:

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Statutory Volunteer Protection:  
Generally, No  
Statute:  
Common Law Volunteer Protection: No  
Comment:

Yes as to government "employees," which term is defined to include volunteers. See (745 ILCS 10/) Local Governmental and Governmental Employees Tort Immunity Act. Certain other statutory immunities to certain volunteers in specific situations (e.g., volunteer firefighters, dental and physician good samaritans).

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Illinois**  
*Continued*

also be prominently posted within every licensed facility. The notice shall include a statement that information regarding registered sex offenders may be obtained from the Illinois State Police website and that information regarding persons serving terms of parole or mandatory supervised release may be obtained from the Illinois Department of Corrections website.

**Indiana**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Sex offenders are only statutorily required to register with the County in which they reside and/or work for an extended period of time as prescribed by statute. Ind. Code § 11-8-8-7. There is no duty upon individual facilities to provide notification. All registered sex offenders are listed on the State Sex Offender Registry which can be located on the internet or through a local Sheriff/Police Department.

**Iowa**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Iowa Code Chapter 692A deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Kansas**

Statutory Notification: No  
Statute: None  
Common Law Notification: Yes  
Comment:  
The common law requirements would fall under regular duty to disclose if the facility had notice of a potential risk/hazard, including the presence of a sex offender.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: Ind. Code § 34-30-4-2  
Common Law Volunteer Protection: No  
Comment:  
Only applies to volunteers of nonprofit corporations, rehabilitation services, and Section 501(c)(3)(1) nonprofit organizations as defined under Internal Revenue Code.

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Statutory Volunteer Protection: Yes  
Statute: Iowa Code § 504.901  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes  
Statute: Kan. Stat. Ann. 60-3601(b)  
Common Law Volunteer Protection: No  
Comment:

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Kentucky**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Ky. Rev. Stat. 17.500 - 17.580 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Louisiana**

Statutory Notification: Yes  
Statute: La R.S. 15:542.1  
Common Law Notification: No  
Comment:  
While not expressly stated, the notification requirements are as follows, and purportedly would include an adult moving into an adult care facility: You must provide community notification within 21 days of release from confinement or conviction. You must give notice of the crime for which you were convicted, your name, residential address, a description of your physical characteristics, and a photograph or copy thereof to all of the following:

- At least one person in every residence or business within a one-mile radius in a rural area and a three-tenths of a mile radius in an urban or suburban area of the address of your residence, including any adults residing in your residence.
- The superintendent of the school district where you will reside.
- The lessor, landlord, or owner of the residence or property on which you reside.

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**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: KRS § 411.200  
Common Law Volunteer Protection: N/A  
Comment:

Any person who serves as a . . . volunteer . . . of a nonprofit organization . . . and who is not compensated for such services on a salary or prorated equivalent basis, shall be immune from civil liability for any act or omission resulting in damage or injury occurring on or after July 15, 1988, if such person was acting in good faith and within the scope of his official functions and duties, unless such damage or injury was caused by the willful or wanton misconduct of such person.

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Statutory Volunteer Protection: Yes  
Statute: La. R.S. 9:2792.3  
Common Law Volunteer Protection: No  
Comment:

A person who serves as a director, officer, trustee or volunteer worker for a non-profit organization is not individually liable for an act or omission resulting in damage or injury arising out of the exercise of judgment in their duties. This applies if the person was acting in good faith and within the scope of his official duties.

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Louisiana**  
***Continued***

•The superintendent of any park, playground, or recreation district within the designated area where you reside.

You must also have published on two separate days a notice of the crime for which you were convicted, your name, the jurisdiction of conviction, a description of your physical characteristics, your physical address and a recent photograph or a clear copy of a recent photograph, in a newspaper or an approved official journal in the parish in which you will reside. This will be without cost to the state. (persons convicted of R.S. 14:92(A)(7) and 89(A)(2) shall not be required to comply with the above)

La. Rev. Stat. 15:540 - 15:553 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Maine**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

34-A Me. Rev. Stat. 11001 - 11304 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Maryland**

Statutory Notification: No

Statute: Md. Criminal Procedure Code Ann. §§ 11-701, et seq.

Common Law Notification: No

Comment:

Md. Code Crim. Proc. 11-701 – 11-727 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

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Statutory Volunteer Protection: Yes  
Statute: 4 RMS § 158  
Common Law Volunteer Protection: No  
Comment:  
Volunteer and charitable immunity.

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Statutory Volunteer Protection: Yes  
Statute: Md. Courts and Judicial  
Proceedings Code Ann. §§ 5-407, et  
seq.  
Common Law Volunteer Protection: No  
Comment:

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Massachusetts**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

Level 3 sex offenders may not reside in convalescent or nursing homes or similar facilities. Mass. Gen. Laws, ch. 6, sec. 178K(2)(e).

Mass. Gen. Laws, ch. 6, sec. 178C – 178Q deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Michigan**

Statutory Notification: No

Statute: See, MCL 28.721, et seq.

Common Law Notification: No

Comment:

Michigan essentially employs a passive notification system that places the responsibility upon the public to access information on registered sex offenders through the Michigan Public Sex Offender Registry.

Mich. Comp. L. 28.721 – 28.736 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute:

Mass. Gen. Laws, ch. 231, sec. 85K  
(volunteer officers, directors, trustees of charitable corporations)

Mass. Gen. Laws, ch. 19A, sec. 33A  
(volunteer ombudsman)

Mass. Gen. Laws, ch. 19A, sec. 38  
(volunteer elder care counselor)

Mass. Gen. Laws, ch. 112, sec. 12B  
(volunteer medical Good Samaritan)

Mass. Gen. Laws, ch. 112, sec. 23B  
(volunteer emergency respiratory therapist)

Mass. Gen. Laws, ch. 112, sec. 58A  
(volunteer emergency veterinarian)

Mass. Gen. Laws, ch. 231, sec. 85V  
(volunteer coaches, etc. in non-profit sports programs)

Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes and  
No

Statute:

Common Law Volunteer Protection: No  
Comment:

MCL 691.1401(h) provides immunity for a volunteer who is specifically designated as a volunteer and who is acting solely on behalf of a governmental agency, if the government agency is engaged in the exercise or discharge of a governmental function. There is no immunity or protection for a volunteer of a nonprofit organization.

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Minnesota**

Statutory Notification: Yes

Statute: Minn. Stat. § 243.166 and 244.052

Common Law Notification: No

Comment:

In Minnesota, all predatory offenders are required to register with local law enforcement and are subject to the community notification law. (Minnesota Statutes sections 243.166 and 244.052). Offenders are assigned a risk level. At all levels, law enforcement must disclose information about the offender to adult members of the offender's immediate household. Additional disclosures for level two and three offenders are allowed when an offender resides in a residential facility *only after* information has been exchanged between the head of the facility and the commissioner of corrections or human services. Additionally, the law enforcement agency in the area where a health care facility is located shall disclose the registrant status of any predatory offender to the health care facility if the registered offender is receiving inpatient care in that facility.

**Mississippi**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

Miss. Code 45-33-21 – 45-33-61 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: Minn. Stat. § 317A.257  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes  
Statute: § 95-9-1  
Common Law Volunteer Protection: No  
Comment:

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A qualified volunteer may not be held civilly liable for any personal injury or property damage caused to a person as a result of any acts or omissions committed in good faith except:  
(a) Where the qualified volunteer engages in acts or omissions which are intentional, willful, wanton, reckless or grossly negligent; or  
(b) Where the qualified volunteer negligently operates a motor vehicle, aircraft, boat or other powered mode of conveyance.

**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Missouri** Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
R.S. Mo. 211.425 and 589.400 – 589.426 deal generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Montana** Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
MCA 46-23-504 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Nebraska** Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Neb.Rev.St. § 29-4013 deals generally with the rules and regulations of release of information to the public in general and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: R.S.Mo. 537.118(2)  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes, but there are exceptions to immunity  
Statute:  
Mont. Code Ann. § 27-1-732, Non-profit volunteer  
Mont. Code Ann. § 27-1-733, Non-profit rodeo events  
Mont. Code Ann. §10-3-11, Disaster and emergency services volunteer  
Mont. Code Ann. § 10-3-207, Interstate disaster and emergency services volunteer  
Mont. Code Ann. § 27-1-714, Good Samaritan Law  
Mont. Code Ann. § 27-1-736, Medical practitioner or dental hygienist services  
Mont. Code Ann. §m 27-1-716, Food donor  
Mont. Code Ann. § 41-3-1010, Local citizen review board  
Common Law Volunteer Protection:  
Not recognized  
Comment:

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Statutory Volunteer Protection: Yes  
Statute:  
R.R.S. Neb. § 25-21-191, Non-profit directors  
Exceptions: damage or injury was caused by willful or wanton acts or omissions  
R.R.S. Neb. § 35-107, Volunteer first aid and fire department

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Nebraska**  
*Continued*

**Nevada**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

N.R.S. 179D.475 provides for community notification and in particular if the offender is a Tier III offender to notify members of the public who are likely to encounter the offender. Nevada does have an elder abuse statutory framework, N.R.S. 200.5091 et. seq which is designed to protect vulnerable persons, who are defined as being over 18 and have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. For those any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons, they have a duty to report any abuse or neglect the facility has "reasonable cause to believe" exists and this is defined to mean "if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred."

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Exceptions: immunity from liability shall not extend to the operation of a motor vehicle, or a person causing damage by willful or wanton acts of omission or commission

R.R.S. § 43-3716, Special advocate volunteer

R.R.S. § 81-1568, Hazardous material volunteer

Exceptions: the person whose act caused the hazardous material discharge is liable in negligence for the volunteer or any person.

Common Law Volunteer Protection: No  
Comment:

Statutory Volunteer Protection: Yes

Statute: N.R.S. 41.480

Common Law Volunteer Protection: No  
Comment:

N.R.S. 41.480(1) provides that the nonprofit corporation is not immune from liability for injury or damage caused any person, but N.R.S. 41.480(2) states that no action can be brought against “an officer, trustee, director or other possessor of the corporate powers” “based on any act or omission arising from failure in his or her official capacity to exercise due care ....” There is no case law interpreting the phrase “other possessor of the corporate powers” and it is uncertain whether a volunteer would enjoy immunity under N.R.S. 41.480(2). This statute seems to follow Restatement of Torts (Second) §895E and the Restatement states Nevada fully supports this section of the Restatement (See Reporter’s Note).

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Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?

State

Nevada

*Continued*

**New Hampshire** Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
N.H. Rev. Stat. § 651-B deals generally with registration and availability of information to the public and is silent on the issue of notification within long term care facilities.

**New Jersey** Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
N.J.S.A. 2C:7 deals with registration, registration forms, access to records, notification and notification to the public, but is silent on the issue of notification within long term care facilities

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Additionally, some volunteers do enjoy quasi-judicial immunity, such as CASA volunteers who work for an organization appointed by the district court to aid in its judicial function of determining custody. *Foster v. Washoe County*, 14 Nev. 936, 944, 964 P.2d 788, 793 (1998)

Statutory Volunteer Protection: Yes  
Statute: RSA 508:17  
Common Law Volunteer Protection: No  
Comment:  
This statute provides immunity for individual volunteers and non-profit organizations if they are acting in good faith within scope of duties. Limits liability to \$250,000.

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Statutory Volunteer Protection: Yes  
Statute: NJSA §2A:53A-7 (NJ Charitable Immunity Act)  
Common Law Volunteer Protection: No  
Comment:  
A non-profit entity organized exclusively for religious, charitable, hospital or educational purposes or its trustees, directors officers, or volunteers are not liable in damages to any person who suffered from the negligence of an agent of the organization, if the person claiming injury is a beneficiary in any degree of the works of the non-profit entity.  
  
Exceptions: No immunity is granted for willful, wanton or grossly negligent acts of omission or commission, including sexual assault, and there is no immunity for damages caused as a result of the negligent operations of a motor vehicle.

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Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?

State

New Jersey  
*Continued*

New Mexico

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

N. M. S. A. 1978, § 29-11A-4 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

Contact for Information

Note: Additional statutes provide limited protection for certain emergency care volunteers (NJSA §2A:62A-1); emergency volunteers of rescue, first aid, emergency squads or National Ski Patrol volunteer members, and volunteer fire company members, except for motor vehicle operation or willful and wanton acts or omissions (NJSA §2A:53A-12 and NJSA §2A:53A-13), and officers, directors, employees, members and volunteers of fraternal benefit societies who serve without compensation with respect to damages resulting from exercise of judgment in official duties, except for willful and wanton acts, omissions, or misconduct (NJSA §17:44B).

Statutory Volunteer Protection: Yes  
Statute:

N.M.S.A. § 53-8-25.3: (i) applies to negligent acts of board members for non-profit corporations and (ii) there are exceptions for willful misconduct or recklessness (iii) does not apply to transfer of assets to avoid claims.

N.M.S.A. § 41-12-1: (i) applies to those who act without compensation and provide volunteer services for a formally organized non profit sports association for persons under the age of 18, to the extent not otherwise covered by insurance and (ii) excludes conduct that falls below applicable standard of care, is reasonably foreseeable to create risk of injury or death and harm is not part of the ordinary risk of the sport.

Common Law Volunteer Protection: No  
Comment:

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**New York**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

N.Y. Correct. Law § 168 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**North Carolina**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

N.C.G.S. § 14-208.7 deals generally with registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection:  
Extremely Limited  
Statute: N.Y. Gen. Mun. Law § 205-b;  
N.Y. Not-for-Profit Corp. Law § 720-a  
Common Law Volunteer Protection:  
No (Tangentially, common law charitable immunity is also abolished-  
Bing v. Thunig, 2 N.Y.2d 656, 667 (1957))

Comment:  
Volunteer protection is very limited. Volunteer firefighters are not civilly liable for acts done in performance of their duties, unless willful negligence or malfeasance is involved. Secondly, "Directors, officers and trustees who serve without compensation in not-for-profit corporations are protected from liability for conduct in the execution of their office, unless their conduct constitutes gross negligence or intentional harm." (Martin v. Columbia Greene Humane Soc., Inc., 17 A.D.3d 839, 842, (N.Y. App. Div. 2005). This protection is generally only for exculpation from third-party claims as it does not protect against suits from the company itself or the Attorney General. The exception does not exempt the fire department from being sued. (Lynch v. Waters, 82 A.D.3d 1719, 1722 (2011)). The same is true for non-profit companies as the exemption only applies to the directors, officers or trustees.

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Statutory Volunteer Protection: Yes, North Carolina provides statutory protection to not for profit volunteers and to government volunteers performing emergency management services. North Carolina also provides

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Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?

State

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North Carolina

*Continued*

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

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statutory protection to volunteer medical or health care providers providing first aid or emergency treatment

Statute:

Common Law Volunteer Protection: No  
Comment:

Nonprofit Volunteer - N.C. Gen. Stat. § 1-539.10(a) provides that a volunteer who performs services for a charitable organization or a volunteer engaged in providing emergency services is not liable in civil damages for any acts or omissions resulting in any injury, death, or loss to person or property arising from the volunteer services rendered if: (1) the volunteer was acting in good faith and the services rendered were reasonable under the circumstances; (2) the acts or omissions do not amount to gross negligence, wanton conduct, or intentional wrongdoing; and (3) the acts or omissions did not occur while the volunteer was operating or responsible for the operation of a motor vehicle. However, if the charitable organization or volunteer has liability insurance, then that charitable organization or volunteer shall be deemed to have waived the qualified immunity provided in N.C. Gen. Stat. § 1-539.10 to the extent of the indemnification by insurance for the negligence by any volunteer. N.C. Gen. Stat. § 1-539.10(b).

Government Volunteer -  
Emergency Management Services  
N.C. Gen. Stat. § 166A-19.60(a)  
extends immunity from liability for death or injury to persons or for damage to property to any emergency

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

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**North Carolina**

*Continued*

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

management worker, firm, partnership, association, or corporation complying with or reasonably attempting to comply with Article 1A of the North Carolina Emergency Management Act, except in cases of willful misconduct, gross negligence, or bad faith.

§ 166A-19.60(b)(1)(a)-(c) explains that immunity applies to firms, partnerships, associations, or corporations that are acting without compensation or with compensation limited to no more than actual expenses when emergency management services are essentially provided under the direction and control of the government. § 166A-19.60(b)(2) explains that immunity shall not apply to any firm, partnership, association or corporation, or to any employee or agent thereof, whose act or omission caused the emergency or necessitated emergency management services. § 166A-19.60(b)(3) provides that liability will be waived to the extent of the indemnification by insurance for negligence.

§166A-19.60(e) defines “emergency management worker” as any full or part-time paid, volunteer, or auxiliary employee of the State or other states, territories, possessions, or the District of Columbia, or the federal government or any neighboring country or of any political subdivision thereof, or of any agency or organization performing emergency management services at any place in this State, subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof.

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Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?

State

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North Carolina

*Continued*

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

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In addition, § 166A-19.61 provides immunity from civil liability to any person, firm, or corporation owning or controlling real or personal property, who voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise allows the designation or use of real or personal property for the purpose of activities or functions relating to emergency management as provided in the Chapter or elsewhere in the General Statutes. Specifically, § 166A-19.61 provides immunity from civil liability for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss, or damage resulted from, through, or because of the use of the real or personal property for any of the above purposes. However, the use of the property must be subject to the order or control of or pursuant to a request of the government.

First Aid or Emergency Treatment  
N.C. Gen. STAT. § 90-21.14(a)  
provides that any person, including a volunteer medical or health care provider at a facility of a local health department or at a nonprofit community health center or volunteer member of a rescue squad, who voluntarily and without expectation of compensation renders first aid or emergency health care treatment to a person who is unconscious, ill or injured, shall not be liable for damages for injuries alleged to have been sustained by the person or for damages for the death of the person alleged to occurred by reason

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Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?

State

North Carolina  
*Continued*

North Dakota

Statutory Notification: No  
Statute: See N.D. Cent. Code § 12.1-32-15  
Common Law Notification: No  
Comment:  
N.D. Cent. Code § 12.1-32-15 deals generally with registration of sex offenders and the release of information to the public but is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

of an act or omission in the rendering of treatment. Immunity applies when the reasonably apparent circumstances require prompt decisions and actions in medical or other health care, and when the necessity of immediate health care is so reasonably apparent that any delay in the rendering of the treatment would seriously worsen the physical condition or endanger the life of the person. § 90-21.14(a) (1), (2) However, immunity does not apply if it is established that the injuries were or the death was caused by gross negligence, wanton conduct or intentional wrongdoing on the part of the person rendering the treatment. § 90-21.14(a).

Statutory Volunteer Protection: Yes  
Statute:

N.D. Cent. Code §§ 32-03-44 and 32-03-45 (non-profit directors and volunteers)

N.D. Cent. Code § 32-03.1 (Good Samaritan and volunteer health care provider)

N.D. Cent. Code § 23-27-04.1 (Medical Good Samaritan)

N.D. Cent. Code § 32-03-46 (athletic volunteer)

N.D. Cent. Code §§ 26.1-02-24.3 and 6-06-13.1 (insurance and credit union volunteers).

Common Law Volunteer Protection: No  
Comment:

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Ohio**

Statutory Notification: Yes

Statute: R.C. 3721.122 (Effective: Sept. 15, 2014)

Common Law Notification: No

Comment:

This is a brand new statute, which requires administrators to inquire as to whether or not a newly admitted resident is a registered sex offender and if so, to develop a plan of care to protect other residents' rights and to also notify all of the other residents and their sponsors. Prior to this statute, there was no prior statutory or common law notification requirement in Ohio.

Ohio's general sexual offender registration and notification statutes are R.C. 2950.01 et seq. and R.C. 2152-82-.86.

**Oklahoma**

Statutory Notification: Yes

Statute:

Okla. Stat. Ann. tit. 57, § 583(N)(3)

Upon registration as a habitual or aggravated sex offender, local law enforcement is required to notify anyone it determines appropriate including, but not limited to, the offender's family, victims, schools, parks, churches, and a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

Okla. Stat. Ann. tit. 63, § 1-1909(4)

Requires the facility to display any local law enforcement notifications of registration of any person residing in the facility who is required to register pursuant to the provisions of the Sex Offenders Registration Act or the Mary Rippey Violent Crime Offenders Registration Act.

Okla. Stat. Ann. tit. 63, § 1-1946

Requires the Department of Corrections to notify the Department of Health for registered sex offenders seeking placement from DOC to a long-term facility.

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**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: R.C. 2305.38  
Common Law Volunteer Protection: No  
Comment:

This statute provides qualified immunity to volunteers of nonprofit charitable entities in Ohio. There is no immunity for wanton, willful or intentional conduct. There is limited protection for negligent acts depending on whether or not the volunteer is acting in a statutorily defined corporate or supervisory role.

This statute has been in effect since 2003. It is worth noting that the prior version was held unconstitutional by the Ohio Supreme Court.

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Statutory Volunteer Protection: Yes  
Statute:  
Okla. Stat. Ann. tit. 76, § 31  
Provides immunity from civil liability for volunteers for various types of charitable and non-profit organizations for such acts as negligence. Includes exceptions for gross negligence and willful conduct. Organization could still be liable for such acts under respondeat superior.

Okla. Stat. Ann. tit. 76, § 32  
Provides immunity from civil liability for volunteers for health services providers, such as doctors, nurses, dentists, etc. for such acts as negligence. Includes exceptions for gross negligence and willful conduct.

Okla. Stat. Ann. tit. 76, § 33  
Provides immunity from civil liability for

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Oklahoma**  
***Continued***

Okla. Admin. Code 310:675-7-21 (pursuant to Okla. Stat. Ann. tit. 63, § 1-1946, this regulation was enacted)  
Requires long-term facilities to check to see if applicants, residents, or employees are registered sex offenders.  
Common Law Notification: No  
Comment:  
57 Okla. Stat. Ann. §§ 581-590.2 deals generally with registration of sex offenders and the release of information to the public.

**Oregon**

Statutory Notification: Yes  
Statute: ORS 441.373 - (Admission to or removal from long term care facility or residential care facility of person convicted of sex crime), the sex offender and Department of Human Services shall notify the facility of the person's status as a sex offender.  
Common Law Notification: No  
Comment:  
ORS 181.585-181.608 deals generally with registration of sex offenders and the release of information to the public.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

persons or entities that are voluntarily providing goods, services, or shelter during a time of emergency. Includes exceptions for willful or wanton negligence or misconduct of the person.

Okla. Stat. Ann. tit. 19, § 168  
Sovereign immunity also applies to unpaid volunteers working for the county.

Okla. Stat. tit. 22, § 1367  
Provides immunity for attorneys who volunteer services to defendants in trial or appellate instances.

Okla. Stat. tit. 18, § 866  
Provides personal immunity for board directors of non-profit organizations.

Okla. Stat. tit. 18, § 867  
Exceptions to personal immunity for board directors of non-profit organizations including, breach of duties, intentional acts, and personal benefit.

Common Law Volunteer Protection: No  
Comment:

Statutory Volunteer Protection: No  
Statute: None  
Common Law Volunteer Protection: No  
Comment:

Oregon has certain statutes that provide protection for specific types of volunteers such as: (1) ORS 30.480 (Limitation on liability of volunteers; conditions) which limits liability for volunteers transporting older persons and persons with disabilities; (2) ORS 30.811 (Liability of person providing outreach services to homeless individual or individual at risk of becoming homeless individual); and, (3) ORS 30.800 (Liability for emergency medical assistance).

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Pennsylvania**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Pennsylvania's "Megan's Law" statute, 42 Pa.C.S. § 9799.10 et seq, has general notification requirements pursuant to a convicted sex offender's tiered status. There is no separate statutory requirement for a long-term care facility to notify its residents. However, 42 Pa.C.S. 9799.25(f) prohibits concurrent residence in the group-based home to more than five individuals who are required to register as sexually violent predators.

**Rhode Island**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
R.I.G.L. § 11-37-1 et seq, deals generally with registration of sex offenders and the release of information to the public but is silent on the issue of notification within long term care facilities.

**South Carolina**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
South Carolina currently has no law requiring a nursing home to notify the residents that a registered sex offender is a resident of the nursing home. However, in 2012 the State Legislature proposed legislation (SC Code 43-35-14) that would require that the facility to provide such notice to other residents. This proposed bill is still pending, and has not been enacted, as of November 2014.

South Carolina Code § 23-3-400 et seq, deals generally with registration of sex offenders and the release of information to the public but is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute: 83 P.S. § 8332.4  
Common Law Volunteer Protection: No  
Comment:  
Certain exceptions to immunity from liability are specifically enumerated in the statute.

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Statutory Volunteer Protection: Yes  
Statute: R.I.G.L. §7-6-9  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes  
Statute: South Carolina Code Section 33-31-834  
Common Law Volunteer Protection: No  
Comment:  
This statute provides immunity for directors, trustees, and members of the governing bodies of non-profit organizations. However, there is no immunity for willful, wanton, or gross negligence. Further, this statute is not construed as granting non-profit entities immunity from lawsuits. Also, SC Code 15-1-310 protects from suit "any person" who gratuitously renders emergency assistance to a victim at an accident scene, unless the volunteer's conduct is grossly negligent, willful, or wanton.

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**South Dakota**

Statutory Notification: No  
Statute: See S.D. Codified Laws § 22-24B  
Common Law Notification: No  
Comment:  
S.D. Codified Laws §22-24B deals generally with registration of sex offenders and the release of information to the public but is silent on the issue of notification within long term care facilities.

**Tennessee**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
Tenn. Code Ann. § 40-39-201 et seq deals generally with registration of sex offenders and the release of information to the public while § 40-39-204 imposes, in limited circumstances, updated reporting requirements on administrators of long term care facilities, the statute is silent on the issue of notification within long term care facilities.

**Texas**

Statutory Notification: Yes  
Statute: Tex. Health & Safety Code §§ 325.001, et seq.  
Common Law Notification: No  
Comment:  
The Texas Legislature passed H.B. 424, effective on September 1, 2013, that requires “assisted living facilities” and other “group homes” (including boarding homes, continuing care homes, supportive housing, and transitional housing facilities) to notify their residents

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**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

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Statutory Volunteer Protection: Yes  
Statute:  
S.D. Codified Laws §§ 47-23-2.1 and 47-23-29 (non-profit volunteers and directors)  
S.D. Codified Laws §,58-37A-8 (fraternal society volunteers and directors)  
S.D. Codified Laws § 20-9-4.1 (Good Samaritan volunteer).  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes  
Statute: Tenn. Code Ann. § 48-58-601(c),  
Common Law Volunteer Protection: No  
Comment:  
All directors, trustees or members of the governing bodies of nonprofit cooperatives, corporations, clubs, associations and organizations described in subsection (d), whether compensated or not, shall be immune from suit arising from the conduct of the affairs of such cooperatives, corporations, clubs, associations or organizations. Such immunity from suit shall be removed when such conduct amounts to willful, wanton or gross negligence.

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Statutory Volunteer Protection: Yes  
Statute: Tex. Civ. Prac. & Rem. Code §§ 84.001, et seq.  
Common Law Volunteer Protection: No  
Comment:  
The Texas Legislature passed S.B. 202, known as the Texas Charitable Immunity and Liability Act ("Act"), effective on September 1, 1987, that

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**Texas**  
***Continued***

of the sex offender status of a person who is, or who becomes, a resident.

Tex. Code Crim. Proc. Ann. art. 62.001, et. seq. deals generally with the registration of sex offenders.

**Utah**

Statutory Notification: No  
Statute: See, Utah Code Annotated § 77-41-104(a)  
Common Law Notification: No  
Comment:  
Utah Code Ann. § 77-41-100, et. seq. deals generally with the registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Vermont**

Statutory Notification: No  
Statute: None  
Common Law Notification: No  
Comment:  
13 V.S.A. § 5401, et. seq. deals generally with the registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

creates a limited immunity for volunteers (and employees) working for "charitable organizations," defined to include, inter alia, non-profit corporations and organizations. The Act insulates volunteers of charitable organizations from liability for their acts or omissions resulting in damage, injury or death if they were acting in good faith and in the course and scope of their duties or functions within the organization

Statutory Volunteer Protection: Yes  
Statute:  
Utah Code Annotated § 78-19-2 (non-profit volunteers)  
Utah Code Annotated § 58-13-2 (Good Samaritan medical)  
Utah Code Annotated § 58-13-3 (volunteer medical)  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes  
Statute:  
12 V.S.A., sec. 5781 (volunteer officers, directors, trustees of non-profit organizations)  
3 V.S.A., sec. 1101 (government volunteers)  
20 V.S.A., sec. 2922, 2962, 2964 (volunteer firefighters)  
20 V.S.A., sec. 3812 (volunteer rabies inoculator)  
24 V.S.A., sec. 2687 (volunteer ambulance personnel)  
12 V.S.A., sec. 5762 (volunteer food donation)  
201 V.S.A., sec. 5781 (volunteer librarian)  
201 V.S.A., sec. 5783 (hazardous material volunteer)  
Common Law Volunteer Protection: No  
Comment:

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

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**Virginia**

Statutory Notification: No

Statute: Virginia Code §32.1-138(A)(16)

Common Law Notification: No

Comment:

The statute provides that the facility must ensure that each resident “Is fully informed, as evidenced by the written acknowledgment of the resident or his legal representative, prior to or at the time of admission and during his stay, that he should exercise whatever due diligence he deems necessary with respect to information on any sexual offenders registered pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including how to obtain such information. Upon request, the nursing home facility shall assist the resident, prospective resident, or the legal representative of the resident or prospective resident in accessing this information and provide the resident, prospective resident, or the legal representative of the resident or prospective resident with printed copies of the requested information.”

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

Statutory Volunteer Protection: Yes  
Statute:

V.A. Code Ann. § 13.1-870.1, Non-profit directors

V.A. Code Ann. § 27-23.6, Volunteer fire fighter and medical services

V.A. Code Ann. § 32.1-122.10:005, Volunteer health care provider

V.A. Code Ann. § 8.01-225, Good Samaritans

Common Law Volunteer Protection:  
Comment:

- An uncompensated officer or director who serves a non-profit or community association is not liable for damages.

- A volunteer fire department or emergency medical services company who has contracted or is utilized by the town, county or city is exempt from suit for damages done while providing service.

- A volunteer health care provider is not liable for civil damages. Various Good Samaritans, including lay people, are not liable for acts or omissions in providing emergency care.

- Hospice volunteers, court appointed special advocate volunteers, zoning volunteers and school volunteers who notify parents of a student's absence, are not liable for civil damages for acts or omissions done in the performance of duty.

Common Law Volunteer Protection: Yes  
Comment:

The doctrine of charitable immunity is recognized in Virginia. See *Weston's Adm'x v. Hospital of St. Vincent of Paul*, 131 Va. 587, 107 S.E. 785 (1921). Charitable immunity extends to the negligent acts of "volunteers"

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Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?

State

Virginia

*Continued*

Washington

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

RCW 9A.44.130 (Registration of sex offenders and kidnapping offenders) deals generally with the registration of sex offenders and is silent on the issue of notification within long term care facilities.

West Virginia

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

W. Va. Code, § 15-12-2, et. seq. deals generally with the registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

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engaged in a charity's work. Moore v. Warren, 250 Va. 421, 425, 463 S.E.2d 459, 461 (1995).

Common Law Volunteer Protection: Yes  
Comment:

The doctrine of charitable immunity is recognized in Virginia. See Weston's Adm'x v. Hospital of St. Vincent of Paul, 131 Va. 587, 107 S.E. 785 (1921). Charitable immunity extends to the negligent acts of "volunteers" engaged in a charity's work. Moore v. Warren, 250 Va. 421, 425, 463 S.E.2d 459, 461 (1995).

Statutory Volunteer Protection: Yes  
Statute: RCW 4.24.670 (Liability of volunteers of nonprofit or governmental entities)

Common Law Volunteer Protection: No  
Comment:

This statute provides limited liability for volunteers of non-profit organizations.

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Statutory Volunteer Protection: Yes  
Statute: W. Va. Code § 55-7C-3  
Common Law Volunteer Protection: No  
Comment:

Notwithstanding any other provision of this code, a qualified director shall not be held personally liable for negligence, either through act or omission, or whether actual or imputed, in the performance of managerial functions performed on behalf of a volunteer organization or entity: Provided, that this section shall not exempt a qualified director from liability when he or she is found to be grossly negligent in the performance of his or

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**Is a senior living, adult care and/or assisted living residence obligated by statute or state common law to notify residents if a registered sex offender moves into the facility?**

**State**

**West Virginia**  
*Continued*

**Wisconsin**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

In Wisconsin predatory offenders are required to register with law enforcement and are subject to community notification laws modeled after "Megan's Law."

Wis. Stat. § 301.45 deals generally with the registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Wyoming**

Statutory Notification: No

Statute: None

Common Law Notification: No

Comment:

W.S. 7-19-301 deals generally with the registration of sex offenders and is silent on the issue of notification within long term care facilities.

**Is there state statutory or common law protection for not-for-profit volunteers similar to the Volunteer Protection Act, 42 U.S.C. Sec 14501 et. seq. (See Introduction)?**

**Contact for Information**

her duties. Nothing herein shall relieve a volunteer organization or entity from imputed liability for the negligent acts of a qualified director committed within the scope of the qualified director's duties. Nothing in this article shall be construed as a grant of immunity to any person who, through his or her operation of a motor vehicle, causes any injury or damage to another person.

“Qualified director” means an individual who serves without compensation for personal services as an officer, member or director of a board, commission, committee, agency or other nonprofit organization which is a volunteer organization or entity.

Statutory Volunteer Protection: Yes  
Statute: Wis. Stat. § 181.0670  
Common Law Volunteer Protection: No  
Comment:

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Statutory Volunteer Protection: Yes  
Statute: Wyoming statute 1-1-125  
Common Law Volunteer Protection: No  
Comment:

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