

HOUSE BILL 1042

E4, P3

2lr2595

By: **Washington County Delegation**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Police Officers – Unfounded Complaints**

3 FOR the purpose of specifying that a record of an investigation of misconduct by a police
4 officer is a personnel record for purposes of the Public Information Act if the result
5 of the investigation determined that the complaint of misconduct was unfounded;
6 and generally relating to records of investigations of police officers.

7 BY repealing and reenacting, without amendments,

8 Article – General Provisions

9 Section 4–101(a) and (i)

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – General Provisions

14 Section 4–311 and 4–351(a)

15 Annotated Code of Maryland

16 (2019 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – General Provisions**

20 4–101.

21 (a) In this title the following words have the meanings indicated.

22 (i) “Police officer” has the meaning stated in § 3–201 of the Public Safety Article.

23 4–311.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Subject to subsection (b) of this section, a custodian shall deny inspection of a
2 personnel record of an individual, including an application, a performance rating, or
3 scholastic achievement information.

4 (b) A custodian shall allow inspection by:

5 (1) the person in interest;

6 (2) an elected or appointed official who supervises the work of the
7 individual; or

8 (3) an employee organization described in Title 6 of the Education Article
9 of the portion of the personnel record that contains the individual's:

10 (i) home address;

11 (ii) home telephone number; and

12 (iii) personal cell phone number.

13 (c) (1) Except as provided in [paragraph] **PARAGRAPHS (2) AND (3)** of this
14 subsection, a record relating to an administrative or criminal investigation of misconduct
15 by a police officer, including an internal affairs investigatory record, a hearing record, and
16 records relating to a disciplinary decision, is not a personnel record for purposes of this
17 section.

18 (2) A record of a technical infraction is a personnel record for the purposes
19 of this section.

20 **(3) A RECORD OF AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION**
21 **OF MISCONDUCT BY A POLICE OFFICER IS A PERSONNEL RECORD FOR THE**
22 **PURPOSES OF THIS SECTION IF THE RESULT OF THE INVESTIGATION DETERMINED**
23 **THAT THE COMPLAINT OF MISCONDUCT WAS UNFOUNDED.**

24 4-351.

25 (a) Subject to subsections (b), (c), and (d) of this section, a custodian may deny
26 inspection of:

27 (1) records of investigations conducted by the Attorney General, a State's
28 Attorney, a municipal or county attorney, a police department, or a sheriff;

29 (2) an investigatory file compiled for any other law enforcement, judicial,
30 correctional, or prosecution purpose;

1 (3) records that contain intelligence information or security procedures of
2 the Attorney General, a State's Attorney, a municipal or county attorney, a police
3 department, a State or local correctional facility, or a sheriff; or

4 (4) records, other than a record of a technical infraction **OR A RECORD**
5 **RELATED TO AN INVESTIGATION OF A COMPLAINT OF MISCONDUCT THAT WAS**
6 **DETERMINED TO BE UNFOUNDED**, relating to an administrative or criminal investigation
7 of misconduct by a police officer, including an internal affairs investigatory record, a
8 hearing record, and records relating to a disciplinary decision.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2022.