

HOUSE BILL 860

P3, E4

2lr2438

By: **Delegate Cox**

Introduced and read first time: February 7, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Police Officers – Procedures and Limitations**

3 FOR the purpose of requiring a custodian to deny a certain written application to inspect a
4 public record relating to a police officer unless the application contains certain
5 information; requiring a custodian to give notice to a police officer and a law
6 enforcement agency and post the written application on a certain publicly accessible
7 website under certain circumstances; requiring a custodian to deny inspection of
8 certain public records or the part of certain public records relating to police officers
9 under certain circumstances; and generally relating to inspections of public records
10 relating to police officers.

11 BY repealing and reenacting, with amendments,
12 Article – General Provisions
13 Section 4–202(a), 4–345, and 4–355
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – General Provisions
18 Section 4–202.1
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

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

23 **Article – General Provisions**

24 4–202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) [Except] SUBJECT TO § 4-202.1 OF THIS SUBTITLE AND EXCEPT as
2 provided in subsection (b) of this section, a person or governmental unit that wishes to
3 inspect a public record shall submit a written application to the custodian.

4 **4-202.1.**

5 (A) IN THIS SECTION, "LAW ENFORCEMENT AGENCY" HAS THE MEANING
6 STATED IN § 3-201(D) OF THE PUBLIC SAFETY ARTICLE.

7 (B) IF A PERSON SUBMITS A WRITTEN APPLICATION TO A CUSTODIAN TO
8 INSPECT A PUBLIC RECORD RELATING TO A POLICE OFFICER, THE CUSTODIAN
9 SHALL DENY INSPECTION OF THE PUBLIC RECORD UNLESS THE WRITTEN
10 APPLICATION CONTAINS:

11 (1) THE NAME OF THE PERSON;

12 (2) THE ADDRESS OF THE PERSON;

13 (3) (I) THE NAME AND ADDRESS OF THE PERSON'S EMPLOYER; OR

14 (II) A STATEMENT THAT THE PERSON IS NOT EMPLOYED;

15 (4) A PHONE NUMBER AND VALID E-MAIL ADDRESS FOR THE PERSON;

16 AND

17 (5) (I) THE NAME OF ANY ORGANIZATION ON BEHALF OF WHICH
18 THE PERSON IS SUBMITTING THE WRITTEN APPLICATION; OR

19 (II) A STATEMENT THAT THE INDIVIDUAL IS NOT SUBMITTING
20 THE WRITTEN APPLICATION ON BEHALF OF ANY ORGANIZATION.

21 (C) (1) IF A PERSON SUBMITS A WRITTEN APPLICATION CONTAINING THE
22 INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE
23 CUSTODIAN SHALL:

24 (I) NOTIFY ANY POLICE OFFICER IDENTIFIED IN THE REQUEST
25 AND THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER; AND

26 (II) POST THE WRITTEN APPLICATION ON THE PUBLICLY
27 ACCESSIBLE WEBSITE OF THE UNIT OR INSTRUMENTALITY OF THE STATE OR
28 POLITICAL SUBDIVISION THAT MADE THE RECORD.

1 **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1)(I) OF THIS**
2 **SUBSECTION SHALL INCLUDE THE INFORMATION REQUIRED TO BE PROVIDED**
3 **UNDER SUBSECTION (B) OF THIS SECTION.**

4 4-345.

5 (a) Subject to [subsection] **SUBSECTIONS (b) AND (C)** of this section, a custodian
6 may deny inspection of test questions, scoring keys, and other examination information
7 that relates to the administration of licenses, employment, or academic matters.

8 (b) After a written promotional examination has been given and graded, a
9 custodian shall allow a person in interest to inspect the examination and the results of the
10 examination, but may not allow the person in interest to copy or otherwise to reproduce the
11 examination.

12 **(C) A CUSTODIAN SHALL DENY INSPECTION OF TEST QUESTIONS, SCORING**
13 **KEYS, AND OTHER EXAMINATION INFORMATION THAT RELATES TO THE**
14 **ADMINISTRATION OF ACADEMIC MATTERS WHERE:**

15 **(1) THE PUBLIC RECORD RELATES TO A POLICE OFFICER; AND**

16 **(2) THE REQUEST IS NOT MADE BY THE PERSON IN INTEREST.**

17 4-355.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Directory information” has the meaning stated in 20 U.S.C. § 1232g.

20 (3) “Personal information” means:

21 (i) an address;

22 (ii) a telephone number;

23 (iii) an e-mail address; or

24 (iv) directory information.

25 (b) **[A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**
26 **custodian of a record kept by a public institution of higher education that contains personal**
27 **information relating to a student, a former student, or an applicant may:**

28 (1) require that a request to inspect a record containing personal
29 information be made in writing and sent by first-class mail; and

1 (2) deny inspection of the part of the record containing the personal
2 information if the information is requested for commercial purposes.

3 **(C) A CUSTODIAN OF A RECORD KEPT BY A PUBLIC INSTITUTION OF HIGHER**
4 **EDUCATION THAT CONTAINS PERSONAL INFORMATION RELATING TO A STUDENT, A**
5 **FORMER STUDENT, OR AN APPLICANT SHALL DENY INSPECTION OF THE PART OF**
6 **THE RECORD CONTAINING THE PERSONAL INFORMATION IF:**

7 **(1) THE INFORMATION IS THE PERSONAL INFORMATION OF A POLICE**
8 **OFFICER; AND**

9 **(2) THE REQUEST IS NOT MADE BY THE POLICE OFFICER.**

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