

SENATE BILL 747

P3, E4

3lr2664

By: **Senator Folden**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Personnel Records – Police Officers**

3 FOR the purpose of providing that records relating to investigations of police officers for
4 misconduct are personnel records under the Public Information Act, subject to
5 certain exceptions; and generally relating to the Public Information Act and
6 personnel records of police officers.

7 BY repealing and reenacting, with amendments,
8 Article – General Provisions
9 Section 4–311
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2022 Supplement)

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

14 **Article – General Provisions**

15 4–311.

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

19 (b) A custodian shall allow inspection by:

20 (1) the person in interest;

21 (2) an elected or appointed official who supervises the work of the
22 individual; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (i) home address;

4 (ii) home telephone number; and

5 (iii) personal cell phone number.

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

11 [(2) A record of a technical infraction is a personnel record for the purposes
12 of this section.]

13 **(2) A RECORD RELATING TO AN INVESTIGATION OF MISCONDUCT**
14 **INVOLVING AN ALLEGATION THAT A POLICE OFFICER USED EXCESSIVE FORCE IS**
15 **NOT A PERSONNEL RECORD FOR PURPOSES OF THIS SECTION.**

16 **(3) A RECORD RELATING TO AN INVESTIGATION OF MISCONDUCT**
17 **INVOLVING AN ALLEGATION THAT A POLICE OFFICER EXHIBITED RACIAL BIAS IN**
18 **POLICING IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2023.