

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 557

(Delegate Arnick, *et al.*)

Judiciary

Judicial Proceedings

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**Public Records - Prohibition on Inspection of Retirement Records - Exceptions**

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This bill amends the Maryland Public Information Act to require the custodian of a public record that is a retirement record to permit inspection of the record by a party or an attorney representing a party in a divorce, alimony, or child support case in order to obtain the retirement record of a party in the case.

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**Fiscal Summary**

**State Effect:** Complying with the bill's requirements would not materially affect State finances or operations.

**Local Effect:** Complying with the bill's requirements would not materially affect local government finances or operations.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Generally, a custodian must deny inspection of a retirement record for an individual. However, a custodian must permit inspection when there is an exception to this general rule. A custodian must permit inspection by: (1) the person in interest; (2) the appointing authority of the individual; (3) a beneficiary, personal representative, or other specified persons after an individual's death; and (4) a law enforcement agency in order to obtain the home address of a retired employee under specified circumstances. A custodian must also permit inspection by county employees of current or former county

employees under specified circumstances; however, the information obtained during inspection is confidential.

In other instances, a custodian of a retirement record must release information about the record. A custodian must permit release of information for specified deductions from a State employee retirement allowance. On written request, a custodian must state whether the individual receives a retirement or pension allowance and make specified disclosures about retired elected or appointed State or local officials.

In Anne Arundel County, a custodian of retirement records must disclose specified information on employer and employee contributions and the benefit formula for elected or appointed county officials.

**Background:** In a recent divorce proceeding, counsel to one of the parties subpoenaed a retirement record from Anne Arundel County. In reply, the county advised that the subpoena was defective because it named the wrong person as custodian. The county further advised that it would seek to quash any correctly addressed subpoena to comply with the inspection and disclosure requirements of the Public Information Act.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Retirement Agency, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2005  
mll/hlb Revised - House Third Reader - March 26, 2005

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