

HOUSE BILL 615

P1, P3

8lr1648
CF 8lr1645

By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Carter, Conaway, Glenn, Harrison, Haynes, Kirk, Krysiak, McHale, McIntosh, Oaks, Robinson, Stukes, and Tarrant**

Introduced and read first time: January 31, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Custodian of Records – Inspection of Public Records**

3 FOR the purpose of requiring certain custodians to deny inspection of certain public
4 records subject to certain exceptions; requiring certain custodians to permit
5 inspection of certain public records under certain circumstances; requiring
6 certain court orders to be narrowly tailored to satisfy only certain purposes
7 under certain circumstances; prohibiting the court from finding good cause for
8 the necessity of a certain inspection under certain circumstances; and generally
9 relating to the inspection of public records.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 10–615
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2007 Supplement)

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

17 **Article – State Government**

18 10–615.

19 (A) A custodian shall deny inspection of a public record or any part of a
20 public record if:

21 (1) by law, the public record is privileged or confidential; [or]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS**
2 **SECTION, THE REQUEST IS RELATED TO A MATTER THAT IS THE SUBJECT OF A**
3 **PENDING CIVIL ACTION; OR**

4 (3) the inspection would be contrary to:

5 (i) a State statute;

6 (ii) a federal statute or a regulation that is issued under the
7 statute and has the force of law;

8 (iii) the rules adopted by the Court of Appeals; or

9 (iv) an order of a court of record.

10 **(B) (1) A CUSTODIAN SHALL PERMIT INSPECTION OF A PUBLIC**
11 **RECORD UNDER SUBSECTION (A)(2) OF THIS SECTION IF:**

12 **(I) A PETITION FOR INSPECTION IS FILED WITH THE COURT**
13 **IN WHICH THE CIVIL ACTION IS PENDING; AND**

14 **(II) THE COURT GRANTS THE PETITION ON A SHOWING OF**
15 **GOOD CAUSE FOR THE NECESSITY OF INSPECTION.**

16 **(2) IF A COURT GRANTS A PETITION UNDER PARAGRAPH (1) OF**
17 **THIS SUBSECTION, THE COURT ORDER SHALL BE NARROWLY TAILORED TO**
18 **SATISFY ONLY THE PURPOSE FOR WHICH THE INSPECTION WAS SOUGHT.**

19 **(3) A COURT MAY NOT FIND GOOD CAUSE FOR THE NECESSITY OF**
20 **INSPECTION ON THE BASIS THAT THE UNIT OR INSTRUMENTALITY OF THE**
21 **STATE GOVERNMENT OR OF A POLITICAL SUBDIVISION IS THE ONLY SOURCE OF**
22 **THE INFORMATION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.