

SENATE BILL 930

P3, E4

6lr3048
CF 6lr2579

By: **Senators Ferguson and Bates**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Inspection of Records From Body–Worn Digital**
3 **Recording Devices**

4 FOR the purpose of requiring, except under certain circumstances, a custodian of records
5 to deny inspection of the part of a recording from a certain body–worn digital
6 recording device worn by a law enforcement officer regarding certain incidents;
7 requiring a custodian of records to allow inspection of a recording from a certain
8 body–worn digital recording device worn by a law enforcement officer by certain
9 individuals; prohibiting a custodian of records from allowing copying of records from
10 a certain body–worn digital recording device worn by a law enforcement officer by
11 certain individuals; defining a certain term; and generally relating to the inspection
12 of recordings from body–worn digital recording devices worn by law enforcement
13 officers.

14 BY repealing and reenacting, with amendments,
15 Article – General Provisions
16 Section 4–101
17 Annotated Code of Maryland
18 (2014 Volume and 2015 Supplement)

19 BY adding to
20 Article – General Provisions
21 Section 4–356
22 Annotated Code of Maryland
23 (2014 Volume and 2015 Supplement)

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

26 **Article – General Provisions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–101.

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

3 (b) “Applicant” means a person or governmental unit that asks to inspect a public
4 record.

5 (c) “Board” means the State Public Information Act Compliance Board.

6 **(D) “BODY–WORN DIGITAL RECORDING DEVICE” MEANS A DEVICE WORN ON**
7 **THE PERSON OF A LAW ENFORCEMENT OFFICER THAT IS CAPABLE OF RECORDING**
8 **VIDEO AND INTERCEPTING ORAL COMMUNICATIONS.**

9 **[(d)] (E)** “Custodian” means:

10 (1) the official custodian; or

11 (2) any other authorized individual who has physical custody and control
12 of a public record.

13 **[(e)] (F)** “News media” means:

14 (1) newspapers;

15 (2) magazines;

16 (3) journals;

17 (4) press associations;

18 (5) news agencies;

19 (6) wire services;

20 (7) radio;

21 (8) television; and

22 (9) any printed, photographic, mechanical, or electronic means of
23 disseminating news and information to the public.

24 **[(f)] (G)** “Official custodian” means an officer or employee of the State or of a
25 political subdivision who is responsible for keeping a public record, whether or not the
26 officer or employee has physical custody and control of the public record.

27 **[(g)] (H)** “Person in interest” means:

1 (1) a person or governmental unit that is the subject of a public record or a
2 designee of the person or governmental unit;

3 (2) if the person has a legal disability, the parent or legal representative of
4 the person; or

5 (3) as to requests for correction of certificates of death under § 5–310(d)(2)
6 of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent,
7 or guardian of the person of the deceased at the time of the deceased’s death.

8 **[(h)] (I)** (1) “Personal information” means information that identifies an
9 individual.

10 (2) Except as provided in § 4–355 of this title, “personal information”
11 includes an individual’s:

12 (i) name;

13 (ii) address;

14 (iii) driver’s license number or any other identification number;

15 (iv) medical or disability information;

16 (v) photograph or computer-generated image;

17 (vi) Social Security number; and

18 (vii) telephone number.

19 (3) “Personal information” does not include an individual’s:

20 (i) driver’s status;

21 (ii) driving offenses;

22 (iii) five-digit zip code; or

23 (iv) information on vehicular accidents.

24 **[(i)] (J)** “Political subdivision” means:

25 (1) a county;

26 (2) a municipal corporation;

1 (3) an unincorporated town;

2 (4) a school district; or

3 (5) a special district.

4 **[(j)] (K)** (1) "Public record" means the original or any copy of any
5 documentary material that:

6 (i) is made by a unit or an instrumentality of the State or of a
7 political subdivision or received by the unit or instrumentality in connection with the
8 transaction of public business; and

9 (ii) is in any form, including:

- 10 1. a card;
- 11 2. a computerized record;
- 12 3. correspondence;
- 13 4. a drawing;
- 14 5. film or microfilm;
- 15 6. a form;
- 16 7. a map;
- 17 8. a photograph or photostat;
- 18 9. a recording; or
- 19 10. a tape.

20 (2) "Public record" includes a document that lists the salary of an employee
21 of a unit or an instrumentality of the State or of a political subdivision.

22 (3) "Public record" does not include a digital photographic image or
23 signature of an individual, or the actual stored data of the image or signature, recorded by
24 the Motor Vehicle Administration.

25 **4-356.**

1 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
2 **CUSTODIAN SHALL DENY INSPECTION OF THAT PART OF A RECORDING FROM A**
3 **BODY-WORN DIGITAL RECORDING DEVICE REGARDING AN INCIDENT THAT:**

4 **(1) INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN § 4-701 OF THE**
5 **FAMILY LAW ARTICLE;**

6 **(2) INVOLVES A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE**
7 **CRIMINAL LAW ARTICLE;**

8 **(3) INVOLVES, EXCEPT FOR A VIOLATION OF § 3-603 OF THE**
9 **CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT, A VIOLATION OF TITLE**
10 **3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE; OR**

11 **(4) DOES NOT RESULT IN:**

12 **(I) THE ARREST, TEMPORARY DETENTION, DEATH, OR INJURY**
13 **OF AN INDIVIDUAL; OR**

14 **(II) A COMPLAINT OF OFFICER MISCONDUCT MADE AGAINST**
15 **ANY LAW ENFORCEMENT OFFICER INVOLVED IN THE INCIDENT.**

16 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CUSTODIAN**
17 **SHALL ALLOW INSPECTION OF A RECORDING FROM A BODY-WORN DIGITAL**
18 **RECORDING DEVICE BY:**

19 **(I) AN INDIVIDUAL WHO IS A SUBJECT IN THE RECORDING AND**
20 **IS DIRECTLY INVOLVED IN THE INCIDENT THAT PROMPTED THE RECORDING;**

21 **(II) IF AN INDIVIDUAL DESCRIBED IN ITEM (I) OF THIS**
22 **PARAGRAPH IS A MINOR, THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN; OR**

23 **(III) IF AN INDIVIDUAL DESCRIBED IN ITEM (I) OF THIS**
24 **PARAGRAPH IS AN INCAPACITATED PERSON, AS DEFINED BY § 13.5-101 OF THE**
25 **ESTATES AND TRUSTS ARTICLE, THE INDIVIDUAL'S GUARDIAN OR AGENT.**

26 **(2) A CUSTODIAN MAY NOT ALLOW COPYING OF A RECORDING FROM**
27 **A BODY-WORN DIGITAL RECORDING DEVICE BY AN INDIVIDUAL WHO:**

28 **(I) IS ALLOWED TO INSPECT THE RECORDING UNDER**
29 **PARAGRAPH (1) OF THIS SUBSECTION; AND**

1 **(II) IS UNDER INVESTIGATION FOR, OR CHARGED WITH,**
2 **PLEADED NOLO CONTENDERE TO, PLEADED GUILTY TO, OR HAS BEEN FOUND**
3 **GUILTY OF A VIOLATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2016.