

SENATE BILL 1054

P3

8lr1592

By: **Senator Kagan**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – 9–1–1 Communications – Denial of Part of a Public**
3 **Record**

4 FOR the purpose of requiring a certain custodian of records to deny inspection of the part
5 of a 9–1–1 communications record that contains certain information, subject to a
6 certain exception; authorizing a custodian to redact certain information under
7 certain circumstances; requiring a certain custodian to allow inspection of a certain
8 public record by the person in interest; providing that this Act may not be construed
9 to affect the discovery or evidentiary rights of certain parties; and generally relating
10 to the denial of part of a 9–1–1 communications record.

11 BY repealing and reenacting, without amendments,
12 Article – General Provisions
13 Section 4–328
14 Annotated Code of Maryland
15 (2014 Volume and 2017 Supplement)

16 BY adding to
17 Article – General Provisions
18 Section 4–341
19 Annotated Code of Maryland
20 (2014 Volume and 2017 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 4–328.

25 Unless otherwise provided by law, a custodian shall deny inspection of a part of a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 public record, as provided in this part.

2 **4-341.**

3 **(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A CUSTODIAN**
4 **SHALL DENY INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT**
5 **CONTAINS:**

6 **(1) PERSONALLY IDENTIFIABLE INFORMATION SUCH AS THE NAME,**
7 **ADDRESS, TELEPHONE NUMBER, OR E-MAIL ADDRESS OF THE PERSON;**

8 **(2) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE**
9 **PERSON, THE PERSON'S MEDICAL HISTORY, THE PERSON'S FAMILY, OR WHERE THE**
10 **PERSON LIVES;**

11 **(3) IF THE CUSTODIAN IS AWARE THAT INFORMATION WAS PROVIDED**
12 **VOLUNTARILY TO THE FILE BY A THIRD PARTY, THE THIRD PARTY INFORMATION;**
13 **AND**

14 **(4) IMAGES THAT MAY BE CONSIDERED GORY OR GRUESOME OR**
15 **CONVEY SCENES OF MURDER OR SUICIDE.**

16 **(B) A CUSTODIAN MAY REDACT THE INFORMATION DESCRIBED UNDER**
17 **SUBSECTION (A) OF THIS SECTION IF A FAILURE TO DO SO WOULD RESULT IN A**
18 **CONSTRUCTIVE DENIAL OF THE ENTIRE PUBLIC RECORD.**

19 **(C) A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.**

20 **(D) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE DISCOVERY OR**
21 **EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL PROSECUTION.**

22 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
23 **October 1, 2018.**