

HB0215/146088/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 215

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Jackson” and substitute “Delegates Jackson and Krebs”; in line 4, strike “requiring” and substitute “authorizing”; in the same line, strike the second “the”; strike beginning with “that” in line 5 down through “exception” in line 6 and substitute “under certain circumstances after providing certain notice and considering certain information; requiring a custodian to grant or deny a certain application within a certain period of time”; in line 10, after “parties” insert “or to create a certain right of civil action”; in the same line, strike “a certain term” and substitute “certain terms”; after line 11, insert:

“BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–203(a)

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)”;

in line 14, strike “4–328” and substitute “4–343”; and in line 19, strike “4–342” and substitute “4–356”.

AMENDMENT NO. 2

On page 1, strike line 25 in its entirety and substitute:

“4–203.

(a) **(1)** [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.

(Over)

(2) THE CUSTODIAN SHALL GRANT OR DENY AN APPLICATION THAT IS THE SUBJECT OF § 4-356 OF THIS TITLE NOT MORE THAN 50 DAYS AFTER RECEIVING THE APPLICATION.

On page 2, strike lines 1 and 2 in their entirety and substitute:

“4-343.

Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.”;

strike in their entirety lines 3 through 6, inclusive, and substitute:

“4-356.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “VICTIM” MEANS:

(I) A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED UNDER § 4-701 OF THE FAMILY LAW ARTICLE;

(II) A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; OR

(III) A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE, EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT.

(3) (I) “VICTIM’S REPRESENTATIVE” HAS THE MEANING STATED IN § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE.

(II) “VICTIM’S REPRESENTATIVE” DOES NOT INCLUDE A PERSON ACTING IN CONCERT WITH A PERSON ALLEGED TO HAVE COMMITTED THE CRIME AGAINST THE VICTIM.”;

in line 9, after “TO” insert “:

(I) CREATE A RIGHT OF CIVIL ACTION FOR A VICTIM OR VICTIM’S REPRESENTATIVE; OR

(II)”;

and strike in their entirety lines 12 through 28, inclusive, and substitute:

“(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, BEFORE GRANTING INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT DEPICTS A VICTIM, A CUSTODIAN SHALL:

(1) WITHIN 30 DAYS AFTER RECEIVING THE REQUEST AND IF THE CUSTODIAN HAS CONTACT INFORMATION FOR THE VICTIM OR VICTIM’S REPRESENTATIVE, NOTIFY THE VICTIM OR VICTIM’S REPRESENTATIVE OF THE REQUEST;

(2) ALLOW 10 DAYS FOR A RESPONSE FROM THE VICTIM OR VICTIM'S REPRESENTATIVE INDICATING THAT INSPECTION MAY BE CONTRARY TO THE PUBLIC INTEREST; AND

(3) CONSIDER ANY RESPONSE RECEIVED UNDER ITEM (2) OF THIS SUBSECTION IN DETERMINING WHETHER TO GRANT OR DENY THE INSPECTION."