

# SENATE BILL 67

P3

(PRE-FILED)

0lr1142  
CF HB 42

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By: **Senator West**

Requested: October 31, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Applications for Inspection – Responses and Time**  
3 **Limits**

4 FOR the purpose of altering the time periods within which a custodian is required to grant  
5 or deny a certain application to inspect a public record and produce a public record  
6 in response to an approved application; altering the circumstances under which and  
7 the time period within which a custodian is required to indicate certain information  
8 in writing or by e-mail; altering the time period within which a custodian who denies  
9 the application is required to give the applicant a certain written statement; altering  
10 the period for which any time limit imposed under certain provisions of law may be  
11 extended with the consent of the applicant; and generally relating to the Public  
12 Information Act.

13 BY repealing and reenacting, with amendments,  
14 Article – General Provisions  
15 Section 4–203  
16 Annotated Code of Maryland  
17 (2019 Replacement Volume)

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

20 **Article – General Provisions**

21 4–203.

22 (a) (1) Except as provided in paragraph (2) of this subsection, the custodian  
23 shall grant or deny the application promptly, but not more than [30] 7 days after receiving  
24 the application.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)     The custodian shall grant or deny an application that is the subject of §  
2 4–356 of this title not more than 50 days after receiving the application.

3           (b)     (1)     A custodian who approves the application shall produce the public  
4 record immediately or within a reasonable period that is needed to retrieve the public  
5 record, but not more than [30] 7 days after receipt of the application.

6           (2)     If the custodian reasonably believes that it will take more than [10] 5  
7 working days to produce the public record, the custodian shall indicate in writing or by  
8 electronic mail within [10] 5 working days after receipt of the request:

9                     (i)     the amount of time that the custodian anticipates it will take to  
10 produce the public record;

11                    (ii)    an estimate of the range of fees that may be charged to comply  
12 with the request for public records; and

13                    (iii)   the reason for the delay.

14           (3)     Failure to produce the public record in accordance with this subsection  
15 constitutes a denial of an application that may not be considered the result of a bona fide  
16 dispute unless the custodian has complied with paragraph (2) of this subsection and is  
17 working with the applicant in good faith.

18           (c)     (1)     A custodian who denies the application shall:

19                     (i)     within [10] 5 working days, give the applicant a written  
20 statement that gives:

21                             1.     the reasons for the denial;

22                             2.     if inspection is denied under § 4–343 of this title:

23                                 A.    a brief explanation of why the denial is necessary; and

24                                 B.    an explanation of why redacting information would not  
25 address the reasons for the denial;

26                             3.     the legal authority for the denial;

27                             4.     without disclosing the protected information, a brief  
28 description of the undisclosed record that will enable the applicant to assess the  
29 applicability of the legal authority for the denial; and

30                             5.     notice of the remedies under this title for review of the  
31 denial; and

1 (ii) allow inspection of any part of the record that is subject to  
2 inspection.

3 (2) A custodian may not ignore an application to inspect public records on  
4 the grounds that the application was intended for purposes of harassment.

5 (d) Any time limit imposed under this section:

6 (1) with the consent of the applicant, may be extended for not more than  
7 [30] 7 days; and

8 (2) if the applicant seeks resolution of a dispute under § 4-1B-04 of this  
9 title, shall be extended pending resolution of that dispute.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2020.