



## **Senate Bill 777**

### *Public Information Act - Records Relating to Police Misconduct - Fees*

MACo Position: **OPPOSE**

To: Judicial Proceedings Committee

Date: March 15, 2022

From: D'Paul Nibber and Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** SB 777. This bill prohibits counties from charging a fee for the search and preparation of the first 500 pages of certain records concerning administrative or criminal investigations of misconduct by a police officer.

Under the Maryland Public Information Act, counties may not charge for the first two hours needed to search and prepare public records. For many public records, this is an adequate amount of time for counties to fulfill a request. Unfortunately, document preparation is often a more involved process, requiring input from multiple sources. For example, just one page of document review and preparation for a sensitive personnel matter could, by itself, take two hours of time for a county-employed attorney or other official.

Under SB 777, countless county employee work hours dedicated to public record search and preparation will go unreimbursed. Moreover, requestors will have less cost incentive to narrowly tailor their requests—resulting in both broader and more frequent requests. Many county-employed attorneys and other officials will need to be diverted from their regular roles to accommodate an influx of expansive requests.

Tethering uncompensated public record search and preparation to page count, irrespective of the hours needed to fulfill a public record request, will result in an untenable situation creating significant uncompensated costs, government inefficiency, and a dramatic increase in requests. For these reasons, MACo **OPPOSES** SB 777 and requests an **UNFAVORABLE** report.