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THE SENATE OF MARYLAND
Annapolis, Maryland 21401

Testimony of Senator Jill P. Carter
In Favor of SB0727 – Motor Vehicle Administration Records - Access
to Digital Photographic Images and Signatures - Baltimore City
Agencies

Before the Judicial Proceedings Committee

On February 28th 2024

Mr. Chairman, Vice Chair, and Members of the Committee:

The purpose of Senate Bill 0727 is to include in the definition of “criminal justice agency” any agency the Mayor of Baltimore City declares necessary to enforce Maryland’s illegal dumping and litter control law, which specifically includes the Baltimore City Department of Housing and Community Development (DHCD). Within DHCD, there is a Special Investigations Unit (SIU), and deeming DHCD a “criminal justice agency” would allow for the MVA to share digital images of a suspect’s drivers license photo in illegal dumping cases with the SIU.

Since 2005, the SIU of the DHCD has been authorized to install surveillance systems at dumping sites to enforce provisions of the State’s illegal dumping law. All members of the SIU are sworn Special Enforcement Officers and are appointed by the Baltimore Police Commissioner as a condition of employment within the unit.

Currently, SIU investigators currently have access to MVA driver and vehicle records, which are used to identify individuals and vehicles used in illegal dumping as well as in locating the individuals, estates, landlords, and agents associated with the properties that DHCD is seeking to investigate and/or serve. But, because it is unclear whether or not the DHCD is a “criminal justice agency”, the MVA cannot share driver’s license photos with the SIU per a specific provision of the Maryland Transportation Article which specifies who the MVA can share digital photos with.

If the SIU were to be given access to these drivers license photos, it would not only assist SIU investigators with identifying suspects in illegal dumping cases but would also assist them with positively identifying individuals being served subpoenas for upcoming court hearings for DHCD.

As such, I urge this committee to issue a favorable report on Senate Bill 0727.

Respectfully,

Jill P. Carter

SB0727-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 0727

February 28, 2024

TO: Members of the Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill SB 0727 – Motor Vehicle Administration Records – Access to Digital Photographic Images 3 and Signatures – Baltimore City Agencies

POSITION: Support

Chair Smith, Vice Chair Waldstreicher and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 0727

SB 0727 will provide better access to MVA photos for Baltimore City's Special Investigations Unit (SIU) within the Department of Housing and Community Development (DHCD). This legislation will decrease the amount of time it takes to obtain a photo through the MVA which will aid in the identification of illegal dumpers.

Baltimore City received over 15,000 service requests in calendar year 2023 specific to illegal dumping and over 20,000 additional complaints were received for other sanitation related issues. Baltimore City's SIU, who are charged with investigating illegal dumping, currently has access to MVA driver and vehicle records. These records are utilized for investigative purposes to identify individuals and vehicles used in illegal dumping as well as locating individuals, estates, landlords, and agents associated with properties DHCD is seeking to investigate and/or serve. However, our investigators currently need to put in a request through Baltimore City Police Department (BPD) to obtain an individual's photo from their MVA record and this can cause significant delays.

SIU is currently unable to directly access MVA driver's license photos per a specific provision of MD Transportation Article specifying the sharing of digital photos. Trans., § 12-111(b)(6). "The Administration may make a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration available to: (i) The courts; (ii) Criminal justice agencies; (iii) Driver license authorities; (iv) The individual; (v) The individual's attorney; (vi) Third parties designated by the individual; and (vii) The Child Support Administration."

This legislation would clarify that, for only the purposes of this section, DHCD/SIU is deemed a “criminal justice agency” that can receive photo images. By adding “criminal justice agency” to include Baltimore City Department of Housing and Community Development and any other agency designated by the mayor to enforce the State illegal dumping and litter control article under §10–110 of the criminal law article.

Having access to the MVA photos would assist SIU investigators in identifying suspects in illegal dumping cases as well as positively identifying individuals being served subpoenas for upcoming DHCD court hearings.

As an example, we had a single individual dump on nine separate occasions over a four-month period. It wasn't until after the eighth dumping action that we obtained their MVA photo and were able to identify them and file criminal charges. The individual performed a ninth illegal dumping action on the same day that charges were filed for the first eight cases. In our experience, the ability for SIU investigators to make contact with an illegal dumper once identified has an immediate positive impact on that individual's future illegal dumping behavior and reduces the likelihood they will repeat this behavior in the future.

Being able to quickly identify individuals who are performing illegal dumping activity and contacting them will significantly decrease illegal dumping in Baltimore City. Having direct access to MVA photos will greatly cut down on the investigation time and will assist in identifying the individuals performing these illegal actions in a timely manner.

For these reasons, the BCA respectfully request a **favorable** report on SB 0727.

SB0727 - MVA - Records - Access to Digital Photogr

Uploaded by: Patricia Westervelt

Position: INFO

February 28, 2024

The Honorable William C. Smith Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis MD 21401

***RE: Letter of Information – Senate Bill 727 – Vehicle Laws - Motor Vehicle Administration
Records - Access to Digital Photographic Images and Signatures - Baltimore City
Agencies***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on Senate Bill 727 for the Committee’s consideration.

Senate Bill 727 would require the Maryland Motor Vehicle Administration (MVA) to provide access to certain records to certain Baltimore City agencies including the Baltimore City Department of Housing and Community Development, and any other agency designated by the Baltimore City Mayor.

Under the Public Information Act (PIA), photos and signatures are considered “personal information,” and are not disclosable as public records. (See GP §4-101.) The objective of the Driver’s Privacy Protection Act (DPPA) and PIA is to protect people by preventing the identification of individuals. Photographs and signatures are specifically controlled by TR §12-111(b)(5) and (6), which generally prohibit disclosure of photos/signatures, with limited exceptions. Those exceptions are limited to three primary categories: criminal justice agencies, the individual and their designees, and for child support enforcement. These exceptions follow a secure process to apply for access to this information and must be pre-approved. Allowing the disclosure of the images to a broader audience presents additional risks for the individuals whose photos are retrieved.

Additionally, it would be challenging for the MVA to administer a privacy exception that would allow photo sharing to be subject to the discretion of the Mayor of Baltimore City.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 727.

Respectfully submitted,

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