

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 242 (Senator McCabe, *et al.*)
Economic and Environmental Affairs

**Access to Public Records - Denial of Inspection -
Information Relating to Correctional Officers**

This bill requires custodians of public records to deny inspection of the part of a public record that contains information relating to a correctional officer employed by the State or a local jurisdiction. The bill allows inspection of that part of a public record if the employee gives permission, or if the employer determines that inspection is in the public interest.

Fiscal Summary

State Effect: Potential significant expenditure increase as discussed below. Revenues would not be affected.

Local Effect: None. (See below.)

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Expenditures: This bill will generally not have a fiscal impact on State agencies since its requirements can be handled with existing budgeted resources. However, the Administrative Office of the Courts (AOC) reports that the bill presents several problems which could lead to some significant additional general fund expenditures. The potential problems are: (1) civil and criminal case records do not always indicate the occupation of parties or witnesses; (2) in many courts, the civil and criminal index to cases is part of automated systems available to the public in either paper or electronic format; and (3) court land records index information is available publicly statewide. The AOC is also engaged in the development of an electronic image based document system which will be accessible via fax or on-site viewing in each of the circuit courts.

For these reasons, the AOC believes that implementation of this bill could involve significant additional costs that could include redesign and reprogramming costs, as well as additional personnel costs stemming from manual responses to requests for record inspection. The AOC is unable to quantify those costs at this time.

Local Expenditures: Based on a limited survey of local jurisdictions, this bill would generally have little if any fiscal impact. Although implementation may lead to minimal increases in the workloads of county legal departments, personnel agencies, and detention facilities, it should not be beyond their existing budgeted resources.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Budget and Management, Department of Public Safety and Correctional Services (Division of Correction), Carroll County, Harford County, Queen Anne's County, St. Mary's County, Department of Fiscal Services

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