
By: **Delegate V. Clagett**

Introduced and read first time: February 21, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Access to Public Records - Permissible Denials**

3 FOR the purpose of expanding the circumstances under which a custodian of public
4 records relating to public security may deny inspection to include records of
5 certain facilities and privately owned or operated buildings, structures, or
6 facilities; making this Act an emergency measure; and generally relating to
7 inspection of public records.

8 BY repealing and reenacting, without amendments,
9 Article - State Government
10 Section 10-618(a)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - State Government
15 Section 10-618(j)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2002 Supplement)

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

20 **Article - State Government**

21 10-618.

22 (a) Unless otherwise provided by law, if a custodian believes that inspection of
23 a part of a public record by the applicant would be contrary to the public interest, the
24 custodian may deny inspection by the applicant of that part, as provided in this
25 section.

26 (j) (1) Subject to paragraph (2) of this subsection, a custodian may deny
27 inspection of:

1 (i) response procedures or plans prepared to prevent or respond to
2 emergency situations, the disclosure of which would reveal vulnerability assessments,
3 specific tactics, specific emergency procedures, or specific security procedures;

4 (ii) 1. building plans, blueprints, schematic drawings, diagrams,
5 operational manuals, or other records of airports and other mass transit facilities,
6 bridges, tunnels, emergency response facilities or structures, buildings where
7 hazardous materials are stored, arenas, stadiums, and waste and water systems, the
8 disclosure of which would reveal the building's [or], structure's OR FACILITY'S
9 internal layout, specific location, life, safety, and support systems, structural
10 elements, surveillance techniques, alarm or security systems or technologies,
11 operational and transportation plans or protocols, or personnel deployments; or

12 2. records of any other building [or], structure, OR FACILITY
13 [owned or operated by the State or any of its political subdivisions], the disclosure of
14 which would reveal the building's [or], structure's, OR FACILITY'S life, safety, and
15 support systems, surveillance techniques, alarm or security systems or technologies,
16 operational and evacuation plans or protocols, or personnel deployments; or

17 (iii) records prepared to prevent or respond to emergency situations
18 identifying or describing the name, location, pharmaceutical cache, contents, capacity,
19 equipment, physical features, or capabilities of individual medical facilities, storage
20 facilities, or laboratories [established, maintained, or regulated by the State or any of
21 its political subdivisions].

22 (2) The custodian may deny inspection of a part of a public record under
23 paragraph (1) of this subsection only to the extent that the inspection would:

24 (i) jeopardize the security of any BUILDING, structure, OR
25 FACILITY [owned or operated by the State or any of its political subdivisions];

26 (ii) facilitate the planning of a terrorist attack; or

27 (iii) endanger the life or physical safety of an individual.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety,
30 has been passed by a ye and nay vote supported by three-fifths of all the members
31 elected to each of the two Houses of the General Assembly, and shall take effect from
32 the date it is enacted.