
By: **Delegate Dumais**

Introduced and read first time: February 2, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Records - Required Denials - Access to Court Records**

3 FOR the purpose of exempting certain court records from certain provisions of law
4 requiring a custodian to deny inspection of certain parts of certain public
5 records; and generally relating to access to certain court records.

6 BY repealing and reenacting, with amendments,
7 Article - State Government
8 Section 10-617
9 Annotated Code of Maryland
10 (2004 Replacement Volume)

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

13 **Article - State Government**

14 10-617.

15 (a) Unless otherwise provided by law, a custodian shall deny inspection of a
16 part of a public record, as provided in this section.

17 (b) (1) Subject to paragraph (2) of this subsection, a custodian shall deny
18 inspection of the part of a public record that contains medical or psychological
19 information about an individual, other than an autopsy report of a medical examiner.

20 (2) A custodian shall permit the person in interest to inspect the public
21 record to the extent permitted under § 4-304(a) of the Health - General Article.

22 (c) If the official custodian has adopted rules or regulations that define
23 sociological information for purposes of this subsection, a custodian shall deny
24 inspection of the part of a public record that contains sociological information, in
25 accordance with the rules or regulations.

1 (d) (1) THIS SUBSECTION DOES NOT APPLY TO A DOCUMENT, RECORD, OR
2 OTHER THING THAT IS COLLECTED, RECEIVED, OR MAINTAINED BY A COURT IN
3 CONNECTION WITH ONE OR MORE SPECIFIC JUDICIAL ACTIONS OR PROCEEDINGS.

4 (2) A custodian shall deny inspection of the part of a public record that
5 contains any of the following information provided by or obtained from any person or
6 governmental unit:

7 [(1)] (I) a trade secret;

8 [(2)] (II) confidential commercial information;

9 [(3)] (III) confidential financial information; or

10 [(4)] (IV) confidential geological or geophysical information.

11 (e) Subject to § 21-504 of the State Personnel and Pensions Article, a
12 custodian shall deny inspection of the part of a public record that contains the home
13 address or telephone number of an employee of a unit or instrumentality of the State
14 or of a political subdivision unless:

15 (1) the employee gives permission for the inspection; or

16 (2) the unit or instrumentality that employs the individual determines
17 that inspection is needed to protect the public interest.

18 (f) (1) This subsection does not apply to:

19 (I) the salary of a public employee; OR

20 (II) A DOCUMENT, RECORD, OR OTHER THING THAT IS COLLECTED,
21 RECEIVED, OR MAINTAINED BY A COURT IN CONNECTION WITH ONE OR MORE
22 SPECIFIC JUDICIAL ACTIONS OR PROCEEDINGS.

23 (2) Subject to paragraph (3) of this subsection, a custodian shall deny
24 inspection of the part of a public record that contains information about the finances
25 of an individual, including assets, income, liabilities, net worth, bank balances,
26 financial history or activities, or creditworthiness.

27 (3) A custodian shall permit inspection by the person in interest.

28 (g) A custodian shall deny inspection of the part of a public record that
29 contains information about the security of an information system.

30 (h) (1) Subject to paragraphs (2) through (4) of this subsection, a custodian
31 shall deny inspection of the part of a public record that contains information about
32 the licensing of an individual in an occupation or profession.

33 (2) A custodian shall permit inspection of the part of a public record that
34 gives:

- 1 (i) the name of the licensee;
- 2 (ii) the business address of the licensee or, if the business address is
3 not available, the home address;
- 4 (iii) the business telephone number of the licensee;
- 5 (iv) the educational and occupational background of the licensee;
- 6 (v) the professional qualifications of the licensee;
- 7 (vi) any orders and findings that result from formal disciplinary
8 actions; and
- 9 (vii) any evidence that has been provided to the custodian to meet
10 the requirements of a statute as to financial responsibility.

11 (3) A custodian may permit inspection of other information about a
12 licensee if:

- 13 (i) the custodian finds a compelling public purpose; and
- 14 (ii) the rules or regulations of the official custodian permit the
15 inspection.

16 (4) Except as otherwise provided by this subsection or other law, a
17 custodian shall permit inspection by the person in interest.

18 (5) A custodian who sells lists of licensees shall omit from the lists the
19 name of any licensee, on written request of the licensee.

20 (i) A custodian shall deny inspection of the part of a public record that
21 contains information, generated by the bid analysis management system, concerning
22 an investigation based on a transportation contractor's suspected collusive or
23 anticompetitive activity submitted to the Department by:

- 24 (1) the United States Department of Transportation; or
- 25 (2) another state.

26 (j) (1) Subject to paragraphs (2) through (5) of this subsection, a custodian
27 shall deny inspection of the part of a public record that contains information about
28 the application and commission of a person as a notary public.

29 (2) A custodian shall permit inspection of the part of a public record that
30 gives:

- 31 (i) the name of the notary public;
- 32 (ii) the home address of the notary public;

- 1 (iii) the home and business telephone numbers of the notary public;
2 (iv) the issue and expiration dates of the notary public's
3 commission;
4 (v) the date the person took the oath of office as a notary public; or
5 (vi) the signature of the notary public.

6 (3) A custodian may permit inspection of other information about a
7 notary public if the custodian finds a compelling public purpose.

8 (4) A custodian may deny inspection of a record by a notary public or any
9 other person in interest only to the extent that the inspection could:

- 10 (i) interfere with a valid and proper law enforcement proceeding;
11 (ii) deprive another person of a right to a fair trial or an impartial
12 adjudication;
13 (iii) constitute an unwarranted invasion of personal privacy;
14 (iv) disclose the identity of a confidential source;
15 (v) disclose an investigative technique or procedure;
16 (vi) prejudice an investigation; or
17 (vii) endanger the life or physical safety of an individual.

18 (5) A custodian who sells lists of notaries public shall omit from the lists
19 the name of any notary public, on written request of the notary public.

20 (k) (1) Except as provided in paragraph (2) of this subsection, a custodian
21 shall deny inspection of the part of an application for a marriage license under §
22 2-402 of the Family Law Article or a recreational license under Title 4 of the Natural
23 Resources Article that contains a Social Security number.

24 (2) A custodian shall permit inspection of the part of an application
25 described in paragraph (1) of this subsection that contains a Social Security number
26 to:

- 27 (i) a person in interest; or
28 (ii) on request, the State Child Support Enforcement
29 Administration.

30 (l) (1) Except as provided in paragraph (2) of this subsection, a custodian
31 shall deny inspection of the part of a public record that identifies or contains personal
32 information about a person, including a commercial entity, that maintains an alarm
33 or security system.

- 1 (2) A custodian shall permit inspection by:
- 2 (i) the person in interest;
- 3 (ii) an alarm or security system company if the company can
4 document that it currently provides alarm or security services to the person in
5 interest;
- 6 (iii) law enforcement personnel; and
- 7 (iv) emergency services personnel, including:
- 8 1. a career firefighter;
- 9 2. an emergency medical services provider, as defined in §
10 13-516 of the Education Article;
- 11 3. a rescue squad employee; and
- 12 4. a volunteer firefighter, rescue squad member, or advanced
13 life support unit member.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2005.