

HOUSE BILL 1389

P3

9lr3335

By: **Delegates Carr and Pena-Melnyk**
Introduced and read first time: February 23, 2009
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Access to Public Records – Electronic Documents**

3 FOR the purpose of requiring a custodian of a public record to provide certain
4 applicants with the original electronic format of a public record under certain
5 circumstances; and generally relating to access to public records.

6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 10–620
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2008 Supplement)

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 10–620.

15 (a) (1) Except as otherwise provided in this subsection, an applicant who
16 is authorized to inspect a public record may have:

17 (i) a copy, printout, or photograph of the public record; or

18 (ii) if the custodian does not have facilities to reproduce the
19 public record, access to the public record to make the copy, printout, or photograph.

20 **(2) IF THE PUBLIC RECORD WAS CREATED IN AN ELECTRONIC**
21 **FORMAT, THE CUSTODIAN SHALL PROVIDE THE APPLICANT WITH THE PUBLIC**
22 **RECORD IN THE ORIGINAL ELECTRONIC FORMAT UNLESS THE APPLICANT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **CHOOSES TO RECEIVE A COPY, PRINTOUT, OR PHOTOGRAPH OF THE PUBLIC**
2 **RECORD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**

3 [~~(2)~~] **(3)** An applicant may not have a copy of a judgment until:

4 (i) the time for appeal expires; or

5 (ii) if an appeal is noted, the appeal is dismissed or adjudicated.

6 (b) (1) The copy, printout, or photograph shall be made:

7 (i) while the public record is in the custody of the custodian;

8 and

9 (ii) whenever practicable, where the public record is kept.

10 (2) The official custodian may set a reasonable time schedule to make
11 copies, printouts, or photographs.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2009.