

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 977
Appropriations

(Delegate Anderson, *et al.*)

State Correctional Officers' Bill of Rights - Investigatory File and Record of Proceeding

This bill establishes that the investigatory file and the entire record of a proceeding under the Correctional Officers' Bill of Rights (COBR) are personnel records for purposes of the Public Information Act.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 194 of 2010 enacted COBR, which provides for the employment, investigation, and discipline of State correctional officers working in a State correctional facility. Generally, COBR extends uniform investigatory and disciplinary protections to officers whose duties relate to the investigation, care, custody, control, or supervision of inmates.

Except as otherwise provided, under the Maryland Public Information Act, a custodian must permit a person or governmental unit to inspect any public record at any reasonable time. This general right of access is limited by numerous exceptions to the disclosure requirement. Among other exceptions, a custodian of records must deny inspection of a

personnel record of an individual, including an application, a performance rating, or scholastic achievement information. However, a custodian must allow inspection by (1) the person in interest or (2) an elected or appointed official who supervises the work of the individual.

Additional Information

Prior Introductions: None.

Cross File: SB 779 (Senator Ramirez) - Judicial Proceedings.

Information Source(s): Department of Budget and Management, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2015
mar/lgc

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