

HOUSE BILL 387

P3

8lr0841
CF SB 167

By: **Delegates A. Miller, Ali, Angel, Frush, C. Howard, Jalisi, Korman, Lam, Moon, and P. Young**

Introduced and read first time: January 24, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Suits Filed by Custodians – Prohibition**

3 FOR the purpose of prohibiting a custodian that receives a request from a person wishing
4 to inspect a public record from filing suit under the Public Information Act against
5 the requesting person; making a conforming change; and generally relating to suits
6 filed by custodians under the Public Information Act.

7 BY repealing and reenacting, with amendments,

8 Article – General Provisions

9 Section 4–1A–10

10 Annotated Code of Maryland

11 (2014 Volume and 2017 Supplement)

12 BY adding to

13 Article – General Provisions

14 Section 4–404

15 Annotated Code of Maryland

16 (2014 Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – General Provisions**

20 4–1A–10.

21 (a) A person [or governmental unit] need not exhaust the administrative remedy
22 under this subtitle before filing suit.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) A complainant or custodian may appeal the decision issued by the
2 Board under this subtitle in accordance with § 4-362 of this title.

3 (2) An appeal under this subsection automatically stays the decision of the
4 Board pending the circuit court's decision or no more than 30 days after the date on which
5 the defendant serves an answer or otherwise pleads to the complaint, whichever is sooner.

6 ~~4-404.~~

7 **A CUSTODIAN THAT RECEIVES A REQUEST FROM A PERSON WISHING TO**
8 **INSPECT A PUBLIC RECORD MAY NOT FILE SUIT UNDER THIS TITLE AGAINST THE**
9 **REQUESTING PERSON.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2018.