

Chapter 297

(Senate Bill 5)

AN ACT concerning

Public Information Act – 9–1–1 Communications – Denial of Part of a Public Record

FOR the purpose of ~~requiring~~ authorizing a certain custodian of records to deny inspection of ~~the~~ part of a 9–1–1 communications record ~~that depicts certain information, subject to a certain exception~~ under certain circumstances after providing certain notice and considering certain information; requiring a custodian to grant or deny a certain application within a certain period of time; authorizing a custodian to redact certain information under certain circumstances; requiring a certain custodian to allow inspection of a certain public record by the person in interest; providing for the application of this Act; providing that this Act may not be construed to affect the discovery or evidentiary rights of certain parties or to create a certain right of civil action; defining ~~a certain term~~ certain terms; and generally relating to the denial of part of a 9–1–1 communications record.

BY repealing and reenacting, with amendments,Article – General ProvisionsSection ~~4–203~~(a)Annotated Code of Maryland(2014 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – General Provisions

Section ~~4–328~~ 4–343

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

BY adding to

Article – General Provisions

Section ~~4–342~~ 4–356

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

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

Article – General Provisions~~4–328.~~

~~Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.~~

4-203.

(a) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.**

(2) THE CUSTODIAN SHALL GRANT OR DENY AN APPLICATION THAT IS THE SUBJECT OF § 4-356 OF THIS TITLE NOT MORE THAN 50 DAYS AFTER RECEIVING THE APPLICATION.

4-343.

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

~~4-342.~~

~~(A) IN THIS SECTION, “GORY OR GRUESOME” MEANS SCENES SHOWING SEVERE BODILY INJURY, INCLUDING PROFUSE BLEEDING, SEVERE LACERATIONS, DISFIGUREMENT, AND TRAUMATIC INJURIES.~~

4-356.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “VICTIM” MEANS:

(I) A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED UNDER § 4-701 OF THE FAMILY LAW ARTICLE;

(II) A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; OR

(III) A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE, EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT.

(3) (I) “VICTIM’S REPRESENTATIVE” HAS THE MEANING STATED IN § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE.

(II) “VICTIM’S REPRESENTATIVE” DOES NOT INCLUDE A PERSON ACTING IN CONCERT WITH A PERSON ALLEGED TO HAVE COMMITTED THE CRIME AGAINST THE VICTIM.

(B) (1) THIS SECTION DOES NOT APPLY TO A PUBLIC RECORD THAT HAS BEEN ENTERED INTO EVIDENCE IN A COURT PROCEEDING.

(2) THIS SECTION MAY NOT BE CONSTRUED TO:

(I) CREATE A RIGHT OF CIVIL ACTION FOR A VICTIM OR VICTIM’S REPRESENTATIVE; OR

(II) AFFECT THE DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL PROSECUTION.

~~(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT DEPICTS:~~

~~(1) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN § 4-701 OF THE FAMILY LAW ARTICLE;~~

~~(2) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(3) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF, EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT, A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;~~

~~(4) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE INDIVIDUAL’S MEDICAL HISTORY;~~

~~(5) IF THE CUSTODIAN IS AWARE THAT INFORMATION WAS PROVIDED VOLUNTARILY TO THE FILE BY A THIRD PARTY, THE THIRD PARTY INFORMATION; OR~~

~~(6) IMAGES THAT MAY BE CONSIDERED GORY OR GRUESOME OR CONVEY SCENES OF MURDER OR SUICIDE.~~

(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, BEFORE GRANTING INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT DEPICTS A VICTIM, A CUSTODIAN SHALL:

(1) WITHIN 30 DAYS AFTER RECEIVING THE REQUEST AND IF THE CUSTODIAN HAS CONTACT INFORMATION FOR THE VICTIM OR VICTIM'S REPRESENTATIVE, NOTIFY THE VICTIM OR VICTIM'S REPRESENTATIVE OF THE REQUEST;

(2) ALLOW 10 DAYS FOR A RESPONSE FROM THE VICTIM OR VICTIM'S REPRESENTATIVE INDICATING THAT INSPECTION MAY BE CONTRARY TO THE PUBLIC INTEREST; AND

(3) CONSIDER ANY RESPONSE RECEIVED UNDER ITEM (2) OF THIS SUBSECTION IN DETERMINING WHETHER TO GRANT OR DENY THE INSPECTION.

(D) A CUSTODIAN MAY REDACT THE INFORMATION DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION IF A FAILURE TO DO SO WOULD RESULT IN A CONSTRUCTIVE DENIAL OF THE ENTIRE PUBLIC RECORD.

(E) A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.