

SENATE BILL 5

P3

(PRE-FILED)

9lr0558
CF 9lr0559

By: **Senator Kagan**

Requested: October 10, 2018

Introduced and read first time: January 9, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring a certain custodian of records to deny inspection of the part
5 of a 9–1–1 communications record that depicts certain information, subject to a
6 certain exception; authorizing a custodian to redact certain information under
7 certain circumstances; requiring a certain custodian to allow inspection of a certain
8 public record by the person in interest; providing for the application of this Act;
9 providing that this Act may not be construed to affect the discovery or evidentiary
10 rights of certain parties; defining a certain term; and generally relating to the denial
11 of part of a 9–1–1 communications record.

12 BY repealing and reenacting, without amendments,
13 Article – General Provisions
14 Section 4–328
15 Annotated Code of Maryland
16 (2014 Volume and 2018 Supplement)

17 BY adding to
18 Article – General Provisions
19 Section 4–342
20 Annotated Code of Maryland
21 (2014 Volume and 2018 Supplement)

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

24 **Article – General Provisions**

25 4–328.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **4-342.**

4 (A) IN THIS SECTION, "GORY OR GRUESOME" MEANS SCENES SHOWING
5 SEVERE BODILY INJURY, INCLUDING PROFUSE BLEEDING, SEVERE LACERATIONS,
6 DISFIGUREMENT, AND TRAUMATIC INJURIES.

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

9 (2) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE
10 DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL
11 PROSECUTION.

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

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

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

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

23 (4) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE
24 INDIVIDUAL'S MEDICAL HISTORY;

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

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

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

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

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