P3 0lr3761 CF SB 535

By: Delegate M. Jackson

Introduced and read first time: February 19, 2020 Assigned to: Rules and Executive Nominations

## A BILL ENTITLED

4	A TAT		•
I	AN	ACT	concerning

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## Public Information Act – Denial of Part of a Public Record – Victims and Witnesses

FOR the purpose of defining "contrary to the public interest" for the purposes of a certain provision of law authorizing a custodian to deny inspection of a part of a public record under certain circumstances; defining the term "witness" for the purposes of certain provisions of this Act relating to inspections of part of a 9–1–1 communications record; requiring a custodian to take certain actions before granting inspection of the part of a 9–1–1 communications record that depicts a witness; and generally relating to victims and witnesses and denials of part of a public record.

- 11 BY repealing and reenacting, with amendments,
- 12 Article General Provisions
- 13 Section 4–343 and 4–356
- 14 Annotated Code of Maryland
- 15 (2019 Replacement Volume)

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

17 That the Laws of Maryland read as follows:

## 18 Article – General Provisions

19 4-343.

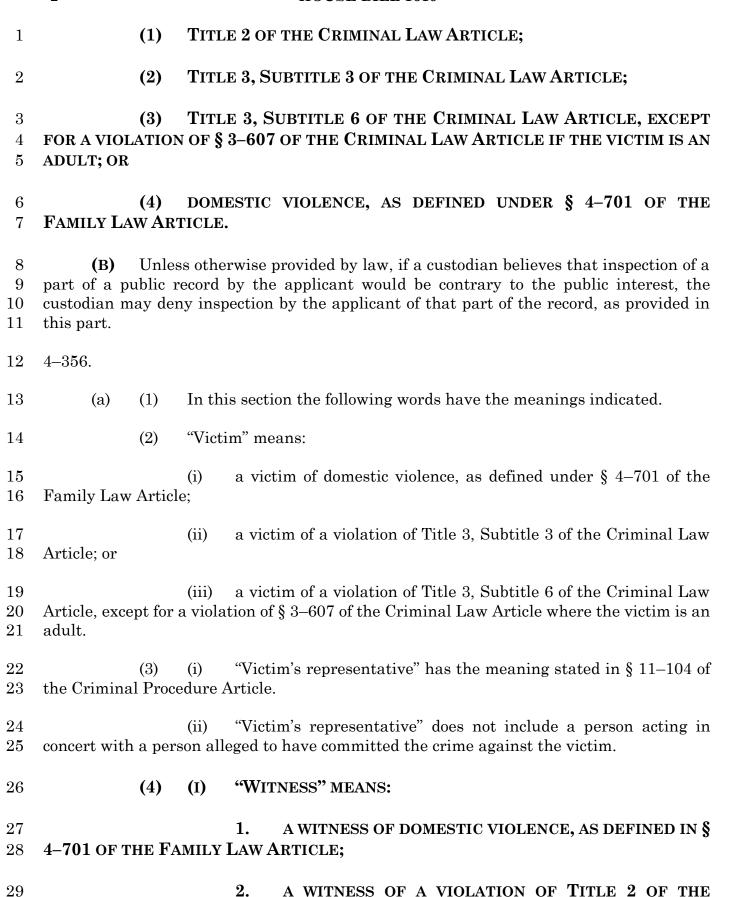
20 (A) IN THIS SECTION, "CONTRARY TO THE PUBLIC INTEREST" INCLUDES A SITUATION IN WHICH A CUSTODIAN REASONABLY BELIEVES THAT INSPECTION OF THE PART OF A PUBLIC RECORD WOULD REVEAL THE IDENTITY OF A VICTIM OR A

23 WITNESS, OTHER THAN A LAW ENFORCEMENT OFFICER ON ACTIVE DUTY, OF A

24 VIOLATION OF:

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CRIMINAL LAW ARTICLE;



1 2 3	3. A WITNESS OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE, EXCEPT FOR A VIOLATION OF § 3–607 OF THE CRIMINAL LAW ARTICLE IF THE VICTIM IS AN ADULT; OR
4 5	4. A WITNESS OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE.
6 7	(II) "WITNESS" DOES NOT INCLUDE A LAW ENFORCEMENT OFFICER ON ACTIVE DUTY.
8	(b) (1) This section does not apply to a public record that has been entered into evidence in a court proceeding.
0	(2) This section may not be construed to:
$\frac{1}{2}$	(i) create a right of civil action for a victim or victim's representative; or
$\frac{13}{4}$	(ii) affect the discovery or evidentiary rights of a party to a civil suit or criminal prosecution.
15 16 17	(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 <b>WITNESS OR A</b> victim, a custodian shall:
18 19 20	(1) within 30 days after receiving the request and if the custodian has contact information for the WITNESS, victim, or victim's representative, notify the WITNESS, victim, or victim's representative of the request;
21 22	(2) allow 10 days for a response from the WITNESS, victim, or victim's representative indicating that inspection may be contrary to the public interest; and
23 24	(3) consider any response received under item (2) of this subsection in determining whether to grant or deny the inspection.
25 26	(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.
27	(e) A custodian shall allow inspection by the person in interest.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July

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1, 2020.