

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 664

(Senator Lee)

Judicial Proceedings

Declaration of Rights - Right to Privacy

This proposed constitutional amendment states that each individual has a natural, essential, and inherent right to privacy that guarantees freedom from government intrusion. The right to privacy includes the right of an individual to live free from intrusion caused by or directly traceable to the unauthorized collection of data concerning the individual by another. It does not, however, prohibit the State from regulating the sale or purchase of a firearm or ammunition. The right to privacy may not be infringed without a showing of a compelling State interest. The proposed constitutional amendment authorizes the General Assembly to protect the right to privacy through appropriate legislation and the Governor to enforce the right to privacy through appropriate action.

Fiscal Summary

State Effect: The bill does not directly affect governmental finances or operations.

Local Effect: The bill does not directly affect local governmental finances or operations.

Small Business Effect: None.

Analysis

Current Law: Maryland has had a Declaration of Rights since 1776. The Court of Appeals has described the Declaration of Rights and the Constitution as composing the State's form of government, to be interpreted as one instrument (*Baltimore v. State*, 15 Md. 376 (1860)). The Maryland Constitution does not expressly guarantee a right to privacy.

Limitations on State and Local Government Records

Under Maryland's Public Information Act, the State, a political subdivision, or a unit of the State or of a political subdivision may keep only the information about a person that (1) is needed by the State, political subdivision, or unit to accomplish a governmental purpose authorized or required under a statute or any other legislative mandate, an executive order of the Governor or of the chief executive of a local jurisdiction, or a judicial rule and (2) is relevant to the accomplishment of the purpose.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Comptroller's Office; Governor's Office; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; University System of Maryland; Department of Budget and Management; Department of State Police; Department of Legislative Services

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