A BILL ENTITLED

AN ACT concerning

Public Information Act – Police Officers – Unfounded Complaints

FOR the purpose of specifying that a record of an investigation of misconduct by a police officer is a personnel record for purposes of the Public Information Act if the result of the investigation determined that the complaint of misconduct was unfounded; and generally relating to records of investigations of police officers.

BY repealing and reenacting, without amendments,

Article – General Provisions
Section 4–101(a) and (i)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions
Section 4–311 and 4–351(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – General Provisions

4–101.

(a) In this title the following words have the meanings indicated.

(i) “Police officer” has the meaning stated in § 3–201 of the Public Safety Article.

4–311.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.

(b) A custodian shall allow inspection by:

(1) the person in interest;

(2) an elected or appointed official who supervises the work of the individual; or

(3) an employee organization described in Title 6 of the Education Article of the portion of the personnel record that contains the individual’s:

(i) home address;

(ii) home telephone number; and

(iii) personal cell phone number.

(c) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, a record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a personnel record for purposes of this section.

(2) A record of a technical infraction is a personnel record for the purposes of this section.

(3) A RECORD OF AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT BY A POLICE OFFICER IS A PERSONNEL RECORD FOR THE PURPOSES OF THIS SECTION IF THE RESULT OF THE INVESTIGATION DETERMINED THAT THE COMPLAINT OF MISCONDUCT WAS UNFOUNDED.

4–351.

(a) Subject to subsections (b), (c), and (d) of this section, a custodian may deny inspection of:

(1) records of investigations conducted by the Attorney General, a State’s Attorney, a municipal or county attorney, a police department, or a sheriff;

(2) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose;
(3) records that contain intelligence information or security procedures of the Attorney General, a State’s Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff; or

(4) records, other than a record of a technical infraction OR A RECORD RELATED TO AN INVESTIGATION OF A COMPLAINT OF MISCONDUCT THAT WAS DETERMINED TO BE UNFOUNDED, relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.