

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 846

(Senator King)

Education, Energy, and the Environment

Ways and Means

Libraries - Circulation Records - Inspection, Use, or Disclosure Requirement
Revision

This bill alters the circumstances under which libraries must permit the inspection, use, or disclosure of the circulation record of an individual.

Fiscal Summary

State Effect: The bill does not materially affect State government finances or operations.

Local Effect: The bill does not materially affect local library system finances or operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Generally, a free association, school, college, or university library in the State must prohibit the inspection, use, or disclosure of any circulation record or other item, collection, or grouping of information about an individual that:

- is maintained by a library;
- contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and
- identifies the use a patron makes of that library's materials, services, or facilities.

Inspection, use, or disclosure of the circulation record of an individual is permitted only in connection with specified activities.

The bill substitutes references to “free association” libraries with “public” libraries and replaces the current inspection, use, and disclosure requirement.

Under the bill, inspection, use, or disclosure of the circulation record of an individual is permitted only (1) if necessary for the reasonable operation of the library; (2) on written consent of the individual; or (3) by subpoena or court order.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Harford, Montgomery, and Talbot counties; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland School for the Deaf; Maryland Higher Education Commission; Baltimore City Community College; Maryland State Library Agency; University System of Maryland; St. Mary’s College of Maryland; Maryland Independent College and University Association; Anne Arundel County Public Schools; Department of Legislative Services

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