

SB0284/143125/1

BY: Delegate M. Morgan

AMENDMENTS TO SENATE BILL 284
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 9, after “Program;” insert “altering, under the Public Information Act, the definition of “public record” and the application of certain rules and limitations to include certain documentary material made by certain nonprofit organizations;”.”.

On page 3, after line 22, insert:

“BY repealing and reenacting, without amendments,
Article – General Provisions
Section 4–101(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 4–101(k), 4–102, and 4–104
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)”.”.

AMENDMENT NO. 2

On page 16, after line 7, insert:

“Article – General Provisions

4–101.

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

(k) (1) “Public record” means the original or any copy of any documentary material that:

(i) is made by:

1. a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; [and] OR

2. A NONPROFIT ORGANIZATION THAT RECEIVES \$50,000 OR MORE ANNUALLY FROM STATE GRANTS, STATE BOND PROCEEDS, OR LOCAL IMPACT GRANTS; AND

(ii) is in any form, including:

1. a card;

2. a computerized record;

3. correspondence;

4. a drawing;

5. film or microfilm;

6. a form;

7. a map;

8. a photograph or photostat;

9. a recording; or

10. a tape.

(2) “Public record” includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision OR OF

A NONPROFIT ORGANIZATION DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) “Public record” does not include:

(i) a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration; or

(ii) a record or any information submitted to the Public Access Ombudsman or the Board under Subtitle 1B of this title.

4-102.

The State, a political subdivision, [or] a unit of the State or of a political subdivision, OR A NONPROFIT ORGANIZATION may keep only the information about a person that:

(1) is needed by the State, the political subdivision, [or] the unit, OR THE NONPROFIT ORGANIZATION to accomplish a governmental purpose that is authorized or required to be accomplished under:

(i) a statute or any other legislative mandate;

(ii) an executive order of the Governor;

(iii) an executive order of the chief executive of a local jurisdiction;

or

(iv) a judicial rule; and

(2) is relevant to accomplishment of the purpose.

4-104.

(a) Each official custodian shall adopt a policy of proactive disclosure of public records that are available for inspection under this title.

(Over)

(b) The policy adopted under subsection (a) of this section may:

(1) vary as appropriate to the type of public record and to reflect the staff and budgetary resources of the governmental unit OR NONPROFIT ORGANIZATION; and

(2) include publication of public records on the website of the governmental unit OR NONPROFIT ORGANIZATION, to the extent practicable, or publication of prior responses to requests for inspection made under this title.”.