



## Department of Public Safety and Correctional Services

STATE OF MARYLAND

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**BILL: SENATE BILL 449**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill will require the Department of Public Safety & Correctional Services (Department) to adopt a policy of proactive disclosure of public records and publication of an annual report. The bill requires specific information to be reported on an annual basis that the Department does not currently track.

### COMMENTS:

- The Department's Division of Correction (DOC) operates approximately 17 State correctional facilities that house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Pretrial Complex which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
- The Department does utilize a Public Information Act (PIA) tracking system; however, this system does not have the capability to capture the data required by SB 449. The PIA requests received are often very involved and require outreach to multiple divisions within the Department.
- To meet the reporting requirements of SB 449, including the number of requests received, the outcomes of the request, the amount of fees collected or waived, and the outcomes of the Department to fulfill the request; would result in a manual search of the Department's PIA records.
- There will be a fiscal impact to the Department to implement the requirements of SB 449 including a new administrative position to manage the requests and data, and an additional Assistant Attorney General position will be required in order to review every PIA request prior to posting it on the Department's website, due to the confidential and sensitive nature of requests. In addition, modifications to the PIA tracking system will be necessary.

- Finally, SB 449 does not specify the number of years of data must be included. The Department maintains data in accordance with a record retention schedule as well as data that is maintained in perpetuity. Without knowing the extent of data that will be required to be collected and published may result in an additional operational and fiscal impact.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates Senate Bill 449.