



THE SENATE OF MARYLAND  
Annapolis, Maryland 21401  
BALTIMORE CITY SENATE DELEGATION

**March 17, 2023**

**From:** Senator Jill P. Carter, Chair, Baltimore City Senate Delegation

**To:** Senator William C. Smith, Jr., Chair, Judicial Proceedings Committee

**Re:** Delegation Vote on SB767 - Labor and Employment – User Name and Password Privacy – Law Enforcement Agencies (*with amendments*)

Chair Smith,

On Friday, March 17, 2023, the Baltimore City Senate Delegation voted Senate Bill 767 - Labor and Employment – User Name and Password Privacy – Law Enforcement Agencies (*with amendments*) **favorable**. *Please see* the attached voting roster and amendments.

Pursuant to Senate custom, we ask the Judicial Proceedings Committee to bring SB767 to a vote.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in blue ink that reads "Jill P. Carter".

Senator Jill P. Carter

JILL P. CARTER, CHAIR

CORY V. MCCRAY  
BILL FERGUSON  
ANTONIO HAYES  
CHARLES E. SYDNOR III, ESQ.  
MARY L. WASHINGTON, PH.D.



THE SENATE OF MARYLAND  
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## Voting Record – 2023 Regular Session

**Date:** March 17, 2023

**Bill/Resolution Number:** [SB 767](#)

**Title:** Labor and Employment – User-Name and Password Privacy – Law Enforcement Agencies

**Sponsor:** Senator Jill Carter

**Motion:** Favorable with Amendment

Senator	YES	NO	ABSTAIN	ABSENT
Carter, Jill P. – Chair	✓			
Ferguson, Bill	✓			
Hayes, Antonio	✓			
McCray, Cory	✓			
Washington, Mary				✓

# SENATE BILL 767

K3, E4

3lr2393  
CF HB 419

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By: **Senator Carter (By Request – Baltimore City Administration)**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings and Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – User Name and Password Privacy – Law Enforcement**  
3 **Agencies**

4 FOR the purpose of authorizing certain law enforcement agencies to access, under certain  
5 circumstances, social media accounts of applicants; and generally relating to user  
6 name and password privacy and law enforcement agencies.

7 BY repealing and reenacting, with amendments,  
8 Article – Labor and Employment  
9 Section 3–712  
10 Annotated Code of Maryland  
11 (2016 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article – Public Safety  
14 Section 3–201(a) and (d)  
15 Annotated Code of Maryland  
16 (2022 Replacement Volume)

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

### Article – Labor and Employment

20 3–712.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Applicant” means an applicant for employment.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) (i) “Electronic communications device” means any device that uses  
2 electronic signals to create, transmit, and receive information.

3 (ii) “Electronic communications device” includes computers,  
4 telephones, personal digital assistants, and other similar devices.

5 (4) (i) “Employer” means:

6 1. a person engaged in a business, an industry, a profession,  
7 a trade, or other enterprise in the State; or

8 2. a unit of State or local government.

9 (ii) “Employer” includes an agent, a representative, and a designee  
10 of the employer.

11 **(5) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §**  
12 **3–201 OF THE PUBLIC SAFETY ARTICLE.**

13 (b) (1) Subject to paragraph (2) of this subsection, an employer may not  
14 request or require that an employee or applicant disclose any user name, password, or other  
15 means for accessing a personal account or service through an electronic communications  
16 device.

17 (2) An employer may require an employee to disclose any user name,  
18 password, or other means for accessing nonpersonal accounts or services that provide  
19 access to the employer’s internal computer or information systems.

20 (c) An employer may not:

21 (1) discharge, discipline, or otherwise penalize or threaten to discharge,  
22 discipline, or otherwise penalize an employee for an employee’s refusal to disclose any  
23 information specified in subsection (b)(1) of this section; or

24 (2) fail or refuse to hire any applicant as a result of the applicant’s refusal  
25 to disclose any information specified in subsection (b)(1) of this section.

26 (d) An employee may not download unauthorized employer proprietary  
27 information or financial data to an employee’s personal Web site, an Internet Web site, a  
28 Web-based account, or a similar account.

29 (e) This section does not prevent an employer:

30 (1) based on the receipt of information about the use of a personal Web site,  
31 Internet Web site, Web-based account, or similar account by an employee for business  
32 purposes, from conducting an investigation for the purpose of ensuring compliance with  
33 applicable securities or financial law, or regulatory requirements; or

1 (2) based on the receipt of information about the unauthorized  
2 downloading of an employer's proprietary information or financial data to a personal Web  
3 site, Internet Web site, Web-based account, or similar account by an employee, from  
4 investigating an employee's actions under subsection (d) of this section.

5 (f) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LAW**  
6 **ENFORCEMENT AGENCY MAY, DURING THE COURSE OF A BACKGROUND CHECK,**  
7 **REQUIRE AN APPLICANT TO OPEN ALL OF THE APPLICANT'S SOCIAL MEDIA**  
8 **ACCOUNTS FOR REVIEW BY AN INVESTIGATOR.**

9 (2) (i) **DURING A REVIEW OF THE APPLICANT'S SOCIAL MEDIA**  
10 **ACCOUNTS, THE APPLICANT SHALL BE PRESENT.**

11 (ii) **AN INVESTIGATOR MAY PRINT SELECTIONS FROM THE**  
12 **APPLICANT'S SOCIAL MEDIA ACCOUNTS ONLY IF THE SELECTIONS TO BE PRINTED**  
13 **DO NOT CONTAIN A USER NAME, A PASSWORD, OR ANY OTHER MEANS FOR**  
14 **ACCESSING A PERSONAL ACCOUNT OR SERVICE.**

15 (iii) **THE LAW ENFORCEMENT AGENCY MAY NOT:**

16 1. **KEEP OR RESERVE THE APPLICANT'S USER NAME,**  
17 **PASSWORD, OR OTHER MEANS FOR ACCESSING A PERSONAL ACCOUNT OR SERVICE**  
18 **THROUGH AN ELECTRONIC COMMUNICATIONS DEVICE; OR**

19 2. **PROHIBIT AN APPLICANT FROM CHANGING A USER**  
20 **NAME, A PASSWORD, OR ANY OTHER MEANS FOR ACCESSING A PERSONAL ACCOUNT**  
21 **OR SERVICE.**

22 (G) (1) Whenever the Commissioner determines that this section has been  
23 violated, the Commissioner shall:

24 (i) try to resolve any issue involved in the violation informally by  
25 mediation; or

26 (ii) ask the Attorney General to bring an action on behalf of the  
27 applicant or employee.

28 (2) The Attorney General may bring an action under this subsection in the  
29 county where the violation allegedly occurred for injunctive relief, damages, or other relief.

30 **Article – Public Safety**

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

2 (d) (1) "Law enforcement agency" means a governmental police force, sheriff's  
3 office, or security force or law enforcement organization of the State, a county, or a  
4 municipal corporation that by statute, ordinance, or common law is authorized to enforce  
5 the general criminal laws of the State.

6 (2) "Law enforcement agency" does not include members of the Maryland  
7 National Guard who:

8 (i) are under the control and jurisdiction of the Military  
9 Department;

10 (ii) are assigned to the military property designated as the Martin  
11 State Airport; and

12 (iii) are charged with exercising police powers in and for the Martin  
13 State Airport.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2023.



**SB0767/623522/1**

<p>AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES</p> <p>08 MAR 23 11:50:42</p>
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BY: Senator Carter  
(To be offered in the Baltimore City Senate Delegation)

AMENDMENTS TO SENATE BILL 767  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “**Labor**” insert “**Baltimore City** –”; in line 3, strike “**Agencies**” and substitute “**Units**”; in line 4, strike “agencies” and substitute “units in Baltimore City”; in line 6, strike “agencies” and substitute “units in Baltimore City”; strike in their entirety lines 12 through 16, inclusive, and substitute:

“BY repealing and reenacting, without amendments,  
The Public Local Laws of Baltimore City  
Section 16–41(g)  
Article 4 – Public Local Laws of Maryland  
(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)  
(As enacted by Chapter 25 of the Acts of the General Assembly of 2019)”.

AMENDMENT NO. 2

On page 2, in line 11, strike “**AGENCY**” and substitute “**UNIT**”; in lines 11 and 12, strike “**§ 3–201**” and substitute “**§ 16–41**”; and in the same line, strike “**SAFETY ARTICLE**” and substitute “**LOCAL LAWS OF BALTIMORE CITY**”.

On page 3, in lines 6 and 15, in each instance, strike “**AGENCY**” and substitute “**UNIT**”; in line 8, after “**FOR**” insert “**A CURSORY**”; in line 9, after “**A**” insert “**CURSORY**”; after line 10, insert:

**“(II) THE INVESTIGATOR MAY NOT REVIEW:**

- 1. DIRECT MESSAGES OR PERSONAL COMMUNICATIONS SENT OR RECEIVED THROUGH A SOCIAL MEDIA ACCOUNT; OR**
- 2. AN ACCOUNT WITH AN ONLINE DATING SERVICE.”;**

and in lines 11 and 15, strike “(II)” and “(III)”, respectively, and substitute “(III)” and “(IV)”, respectively.

On pages 3 and 4, strike in their entirety the lines beginning with line 30 on page 3 through line 13 on page 4, inclusive, and substitute:

**“Article 4 – Baltimore City**

16–41.

- (g) “Law enforcement unit” means:
- (1) the Police Department of Baltimore City;
  - (2) the Baltimore City School Police;
  - (3) the Housing Authority of Baltimore City Police;
  - (4) the Baltimore City Sheriff’s Department;
  - (5) the Baltimore City Watershed Police Force;
  - (6) the police force of the Baltimore City Community College;
  - (7) the police force of Morgan State University; or
  - (8) the police department of Johns Hopkins University.”.



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4 FOR the purpose of authorizing certain law enforcement ~~agencies~~ units in Baltimore City to access,  
under certain

5 circumstances, social media accounts of applicants; and generally relating to user  
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8 2. a unit of State or local government.

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10 of the employer.

11 (5) "~~LAW ENFORCEMENT AGENCY UNIT~~" HAS THE MEANING STATED IN **§**  
12 ~~3-201 § 16-41~~ **OF THE PUBLIC SAFETY ARTICLE LOCAL LAWS OF BALTIMORE**  
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13 (b) (1) Subject to paragraph (2) of this subsection, an employer may not  
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26 (d) An employee may not download unauthorized employer proprietary  
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28 Web-based account, or a similar account.

29 (e) This section does not prevent an employer:

30 (1) based on the receipt of information about the use of a personal Web site,  
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32 purposes, from conducting an investigation for the purpose of ensuring compliance with  
33 applicable securities or financial law, or regulatory requirements; or

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1 (2) based on the receipt of information about the unauthorized  
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 3 site, Internet Web site, Web-based account, or similar account by an employee, from  
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30 ~~Article - Public Safety~~

31 ~~3-201~~

4

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2 ~~(d) (1) "Law enforcement agency" means a governmental police force, sheriff's~~  
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 4 ~~municipal corporation that by statute, ordinance, or common law is authorized to enforce~~  
 5 ~~the general criminal laws of the State.~~

6 ~~(2) "Law enforcement agency" does not include members of the Maryland~~  
 7 ~~National Guard who:~~

8 ~~(i) are under the control and jurisdiction of the Military~~  
 9 ~~Department;~~

10 ~~(ii) are assigned to the military property designated as the Martin~~  
 11 ~~State Airport; and~~

12 ~~(iii) are charged with exercising police powers in and for the Martin~~  
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Article 4 - Baltimore City

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- (3) the Housing Authority of Baltimore City Police;
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- (5) the Baltimore City Watershed Police Force;
- (6) the police force of the Baltimore City Community College;
- (7) the police force of Morgan State University; or
- (8) the police department of Johns Hopkins University.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 15 October 1, 2023.