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March 28, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Tiffany Johnson Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 624 – Task Force to Study Public Information Act Requests
Made to Law Enforcement – Establishment - **Support with Amendments**

The Office of Attorney General (OAG) respectfully urges this Committee to give Senate Bill 624 – Task Force to Study Public Information Act Requests Made to Law Enforcement – Establishment a favorable with amendments report. Senate Bill 624 establishes a Task Force to review and study (1) costs charged by law enforcement agencies in relation to disclosure of records requested under the Maryland Public Information Act (PIA); (2) procedures applied by law enforcement agencies in the disclosure of records requested under PIA; and (3) the status and operations of the Maryland Public Information Act Compliance Board. The OAG must provide staff for the Task Force and submit an interim report by December 31, 2024, and a final report by December 31, 2025.

The OAG supports transparency and accountability and believes that transparency and accountability are crucial in obtaining and maintaining public trust. However, the OAG knows from experience that soliciting and compiling data from over 150 law enforcement agencies throughout the State will be a labor- and time-intensive task.

The Opinions & Advice Division of the OAG (the Division that would be tasked with staffing this Task Force) is currently responsible for (1) the supervision of the official opinions of the Attorney General; (2) issuing letters of advice to State government clients on difficult legal issues and helping lawyers in other units of the OAG render consistent advice to their respective client agencies; and finally, (3) issuing the Public Information Act Manual and the Open Meetings Act Manual, as well as for serving as a resource within the OAG about open government issues. The Opinions & Advice Division is also responsible for processing many of the PIA requests that are submitted to the OAG.

While the Opinions & Advice Division of the OAG has experience dealing with issues related to the PIA, the Division only has one assigned support-staff person to help facilitate the requires responsibilities of the Division that are listed in the previous paragraph. The added responsibility of staffing this proposed Task Force might, in effect, prevent or delay OAG from providing other PIA-related guidance or performing the above functions. Complying with the requirements of the Task Force would require resources that the OAG does not have – namely, staff time and availability. OAG would need to hire additional contractual staff to collect information from the 150 law enforcement agencies throughout the State and to complete the report. The OAG requests that Senate Bill 624 be amended to remove OAG from staffing the Task Force so that this very important issue of transparency and accountability can be studied with fidelity by a more appropriate entity.

For the foregoing reasons, the Office of the Attorney General urges a favorable with amendments report on Senate Bill 624.

cc: Senator Jill Carter
Committee Members