



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Joseline A. Pena-Melnyk, Chair and
Members of the Health and Government Operations Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 11, 2025

RE: **HB821 - Public Information Act - Denials - Pending Litigation Remedies**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 821**. This bill will create a new PIA exemption that would allow (but not require) a custodian to withhold records relating to pending or reasonably anticipated litigation.

HB 821 is a critical measure that enhances the Public Information Act (PIA) by providing government agencies with a much-needed tool to protect sensitive records related to pending or reasonably anticipated litigation. This bill introduces a new exemption allowing custodians to withhold such records, ensuring that the integrity of legal proceedings is not compromised by premature public access. This exemption is limited in scope, applying only until the litigation is resolved, and does not override existing protections like attorney-client privilege or work product doctrine. By providing this additional safeguard, the bill helps to maintain fairness and confidentiality during legal disputes.

Importantly, HB 821 levels the playing field for government entities involved in litigation, preventing private litigants from using the PIA as a tool for early discovery or circumventing established discovery procedures. This exemption aligns Maryland with best practices in at least seven other states, including California, Texas, and Delaware, where similar protections are already in place. The bill strikes a necessary balance between transparency and legal efficiency, ensuring that government agencies can defend themselves against unfair tactics while still being accountable to the public. For these reasons, MCPA and MSA **SUPPORT HB 821** and urge a **FAVORABLE** committee report.