



## TESTIMONY

**COMMITTEE:** House Economic Matters

**DATE:** February 24, 2026

**POSITION:** Informational

**BILL:** HB 711

I am writing to provide information regarding House Bill 711 and to outline several operational and legal considerations that merit careful review. While the policy objective may be well-intentioned, the structure of the bill is unique in a way that presents potentially precarious implications for custodians of records and other public officials responsible for compliance.

Under longstanding public records practice, custodians do not typically inquire into the intent or purpose of a requester. The existing framework is designed to be content-neutral and requester-neutral, ensuring consistent administration and minimizing subjective determinations. This bill appears to shift that dynamic by requiring custodians to assess or interpret the intent of the requester before responding. Such a change would represent a significant departure from established norms.

Requiring custodians to evaluate requester intent could place them in a difficult and legally vulnerable position. It introduces ambiguity into what has traditionally been a ministerial function and may increase exposure to disputes, inconsistent application across jurisdictions, and potential litigation. MML consistently advocates for clear statutory language that is predictable and easy for local custodians to follow, ensuring we avoid unintended consequences or costly implementation errors.

Thank you for your consideration. I am available to provide further information or technical feedback if helpful.

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For more information relating to this piece of testimony, please contact:

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*MML represents 161 local governments and about 2 million Maryland residents.*