

SENATE BILL 838

P3

9lr2336

By: **Senators Carter, Hayes, and Washington**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Public Information Act – Personnel Records of Law Enforcement**
3 **Officers – Inspections by Investigative Agencies**

4 FOR the purpose of requiring a custodian of the personnel record of a law enforcement
5 agency on a law enforcement officer to allow inspection of the record by a
6 representative of a certain investigative agency; and generally relating to the
7 inspection of personnel records of law enforcement officers.

8 BY repealing and reenacting, with amendments,
9 Article – General Provisions
10 Section 4–311
11 Annotated Code of Maryland
12 (2014 Volume and 2018 Supplement)

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

15 **Article – General Provisions**

16 4–311.

17 (a) Subject to subsection (b) of this section, a custodian shall deny inspection of a
18 personnel record of an individual, including an application, a performance rating, or
19 scholastic achievement information.

20 (b) A custodian shall allow inspection by:

21 (1) the person in interest;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) an elected or appointed official who supervises the work of the
2 individual; [or]

3 **(3) IF THE PERSONNEL RECORD IS THE RECORD OF A LAW**
4 **ENFORCEMENT AGENCY ON A LAW ENFORCEMENT OFFICER, A REPRESENTATIVE OF**
5 **AN AGENCY WITH THE POWER AND JURISDICTION TO ADMINISTRATIVELY**
6 **INVESTIGATE ALLEGED MISCONDUCT OF THE LAW ENFORCEMENT OFFICER WHO IS**
7 **THE SUBJECT OF THE RECORD; OR**

8 **[(3)] (4)** an employee organization described in Title 6 of the Education
9 Article of the portion of the personnel record that contains the individual's:

- 10 (i) home address;
- 11 (ii) home telephone number; and
- 12 (iii) personal cell phone number.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2019.