

SENATE BILL 193

P3

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By: **Senator Kagan**

Introduced and read first time: January 15, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Denial of Part of a Public Record – Investigations by**
3 **Inspectors General**

4 FOR the purpose of authorizing a custodian to deny inspection of records of investigations
5 conducted by or investigatory files compiled by certain inspectors general; and
6 generally relating to denial of inspection of records of investigations by inspectors
7 general.

8 BY repealing and reenacting, with amendments,
9 Article – General Provisions
10 Section 4–351
11 Annotated Code of Maryland
12 (2019 Replacement Volume)

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 4–351.

17 (a) Subject to subsection (b) of this section, a custodian may deny inspection of:

18 (1) records of investigations conducted by the Attorney General, a State’s
19 Attorney, a municipal or county attorney, a police department, or a sheriff;

20 (2) an investigatory file compiled for any other law enforcement, judicial,
21 correctional, or prosecution purpose; [or]

22 (3) records that contain intelligence information or security procedures of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Attorney General, a State's Attorney, a municipal or county attorney, a police
2 department, a State or local correctional facility, or a sheriff; OR

3 **(4) RECORDS OF INVESTIGATIONS CONDUCTED BY OR AN**
4 **INVESTIGATORY FILE COMPILED BY AN INSPECTOR GENERAL WHOSE OFFICE IS**
5 **CREATED BY STATE LAW OR THE LAWS OF A POLITICAL SUBDIVISION OF THE STATE.**

6 (b) A custodian may deny inspection by a person in interest only to the extent
7 that the inspection would:

8 (1) interfere with a valid and proper law enforcement proceeding;

9 (2) deprive another person of a right to a fair trial or an impartial
10 adjudication;

11 (3) constitute an unwarranted invasion of personal privacy;

12 (4) disclose the identity of a confidential source;

13 (5) disclose an investigative technique or procedure;

14 (6) prejudice an investigation; or

15 (7) endanger the life or physical safety of an individual.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2020.