

# SENATE BILL 777

P3, E4

2lr2912

---

By: **Senator Carter**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Records Relating to Police Misconduct – Fees**

3 FOR the purpose of prohibiting an official custodian from charging a fee for the search and  
4 preparation of a certain number of pages of a certain record relating to an  
5 administrative or criminal investigation of misconduct by a police officer; and  
6 generally relating to fees for inspection of records relating to police misconduct.

7 BY repealing and reenacting, with amendments,

8 Article – General Provisions

9 Section 4–206

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2021 Supplement)

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

14 **Article – General Provisions**

15 4–206.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Indigent” means an individual’s family household income is less than  
18 50% of the median family income for the State as reported in the Federal Register.

19 (3) “Reasonable fee” means a fee bearing a reasonable relationship to the  
20 recovery of actual costs incurred by a governmental unit.

21 (b) (1) Subject to the limitations in this section, the official custodian may  
22 charge an applicant a reasonable fee for:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the search for, preparation of, and reproduction of a public record  
2 prepared, on request of the applicant, in a customized format; and

3 (ii) the actual costs of the search for, preparation of, and  
4 reproduction of a public record in standard format, including media and mechanical  
5 processing costs.

6 (2) The staff and attorney review costs included in the calculation of actual  
7 costs incurred under this section shall be prorated for each individual's salary and actual  
8 time attributable to the search for and preparation of a public record under this section.

9 (c) (1) The official custodian may not charge a fee for:

10 (I) the first 2 hours that are needed to search for a public record and  
11 prepare it for inspection; OR

12 (II) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE**  
13 **SEARCH AND PREPARATION EXCEEDS 2 HOURS, THE SEARCH AND PREPARATION OF**  
14 **THE FIRST 500 PAGES OF THE RECORD FOR INSPECTION.**

15 (2) **PARAGRAPH (1)(II) OF THIS SUBSECTION APPLIES ONLY TO**  
16 **RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION, RELATING TO AN**  
17 **ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT BY A POLICE**  
18 **OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD, A HEARING**  
19 **RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.**

20 (d) (1) If another law sets a fee for a copy, an electronic copy, a printout, or a  
21 photograph of a public record, that law applies.

22 (2) The official custodian may charge for the cost of providing facilities for  
23 the reproduction of the public record if the custodian did not have the facilities.

24 (e) The official custodian may waive a fee under this section if:

25 (1) the applicant asks for a waiver; and

26 (2) (i) the applicant is indigent and files an affidavit of indigency; or

27 (ii) after consideration of the ability of the applicant to pay the fee  
28 and other relevant factors, the official custodian determines that the waiver would be in  
29 the public interest.

30 (f) If the custodian of a public record for a local school system charges an  
31 applicant a fee under subsection (b) of this section, the custodian shall provide written  
32 notice to the applicant that the applicant may file a complaint with the Board to contest  
33 the fee.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2022.