

HOUSE BILL 821

P1

5lr2616
CF SB 555

By: **Chair, Health and Government Operations Committee (By Request – Office of the Attorney General)**

Introduced and read first time: January 29, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Denials – Pending Litigation**

3 FOR the purpose of establishing that a custodian may deny inspection of records pertaining
4 to certain pending or reasonably anticipated litigation; and generally relating to the
5 Public Information Act.

6 BY adding to

7 Article – General Provisions

8 Section 4–357

9 Annotated Code of Maryland

10 (2019 Replacement Volume and 2024 Supplement)

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

13 **Article – General Provisions**

14 **4–357.**

15 **(A) THIS SECTION DOES NOT APPLY TO A RECORD THAT:**

16 **(1) IS A COURT RECORD; OR**

17 **(2) PERTAINS TO LITIGATION THAT HAS BEEN FINALLY ADJUDICATED**
18 **OR OTHERWISE SETTLED.**

19 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A CUSTODIAN MAY**
20 **DENY INSPECTION OF A RECORD PERTAINING TO PENDING OR REASONABLY**
21 **ANTICIPATED LITIGATION TO WHICH:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) THE STATE, A STATE AGENCY, OR A POLITICAL SUBDIVISION OF**
2 **THE STATE IS OR MAY BE A PARTY; OR**

3 **(2) AN OFFICER OR EMPLOYEE OF THE STATE OR A POLITICAL**
4 **SUBDIVISION OF THE STATE, BECAUSE OF THAT PERSON’S OFFICE OR EMPLOYMENT,**
5 **IS OR MAY BE A PARTY.**

6 **(C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY RIGHT**
7 **OR OPPORTUNITY GRANTED BY STATUTE OR COURT RULE FOR A PARTY TO**
8 **LITIGATION TO RECEIVE DISCOVERY.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.