

# SENATE BILL 555

P1

5lr2650  
CF HB 821

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By: **Chair, Education, Energy, and the Environment Committee (By Request – Office of the Attorney General)**

Introduced and read first time: January 23, 2025

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2025

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## CHAPTER \_\_\_\_\_

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~~ created for the purposes of certain pending or reasonably anticipated litigation;  
5 and generally relating to the 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) IN THIS SECTION, “REASONABLY ANTICIPATED LITIGATION” MEANS A**  
16 **SITUATION WHERE THERE IS CONCRETE EVIDENCE THAT LITIGATION IS EXPECTED**  
17 **TO OCCUR BASED ON CURRENT FACTS AND CIRCUMSTANCES.**

18 **~~(A)~~ (B) THIS SECTION DOES NOT APPLY TO A RECORD THAT:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

4           ~~**(B) (C)**~~       **SUBJECT TO SUBSECTION ~~(C) (D)~~ OF THIS SECTION, A CUSTODIAN**  
5 **MAY DENY INSPECTION OF A RECORD ~~PERTAINING TO~~ CREATED FOR THE PURPOSES**  
6 **OF PENDING OR REASONABLY ANTICIPATED LITIGATION TO WHICH:**

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

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

12           ~~**(C) (D)**~~       **NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY**  
13 **RIGHT OR OPPORTUNITY GRANTED BY STATUTE OR COURT RULE FOR A PARTY TO**  
14 **LITIGATION TO RECEIVE DISCOVERY.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.