



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

March 15, 2022

Committee: Senate Judicial Proceedings

Bill: SB 777 - Public Information Act - Records Relating to Police Misconduct - Fees

Position: Oppose

Reason for Position:

The Maryland Municipal League opposes Senate Bill 777. For certain records relating to an investigation into police misconduct, this bill alters the criteria by which a records custodian may not charge a fee, to include the first 500 pages after the initial first two hours of search and preparation in response to a public information act (PIA) request.

MML's opposition to SB 777 is the fiscal impact. Exempting the cost of search and preparation of first 500 pages of these investigatory records, after the first two hours which are already cost-free, presents an unfunded mandate. As with many police records, there is confidential or protected information that must be redacted or withheld prior to PIA disclosure. This review can be time consuming and costly, especially if legal services are required. The loss of these fees, which are limited to cost-recovery, makes it even more expensive for municipal governments to comply with the PIA.

Municipal records custodians respond to PIA requests seeking documents pertaining to a variety of government functions including public safety. Just last year, the scope of police records subject to the PIA was expanded to include certain aspects of investigations into police officer misconduct; MML did not take a position on this aspect of the police reform legislation. Records custodians often work with the PIA requestor to either narrow the scope of the request or even waive the fees beyond the first two hours, in order to reduce costs to the requestor.

For these reasons, the Maryland Municipal League opposes SB 777 and respectfully requests an unfavorable committee report.

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