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April 5, 2022

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

Re: SB0777 – Task Force to Study Public Information Act Requests Made to Law
Enforcement – Establishment – **Letter of Information**

The Office of the Attorney General (OAG) provides this letter of information concerning SB 777, Senator Carter's legislation to establish a Task Force to Study Public Information Act Requests Made to Law Enforcement. Senate Bill 777 has an effective date of June 1, 2022, and requires the development of both an interim report, due on or before December 31, 2022, and a final report, due on or before December 31, 2023. Pursuant to subsection (d) of the amended version of SB 777, "the Office of the Attorney General shall provide staff for the Task Force."

Our Office knows from experience that soliciting and compiling data from over one hundred and fifty (150) law enforcement agencies (LEAs) throughout the State can be a daunting endeavor.¹ Doing so with existing resources during a pandemic can sometimes prove impossible.² Although the Opinions & Advice Division within OAG does have considerable expertise on issues related to the PIA³, that Division has only one assigned support-staff person, who is already shared with two other units of our Office. Thus, the responsibility for staffing this task force might, in effect, prevent or delay OAG from providing other PIA-related guidance or performing certain other functions during the relevant period.

¹ See e.g. Maryland Sexual Assault Evidence Kit Policy and Funding Committee Annual Report (Jan. 2022), available online at: https://www.marylandattorneygeneral.gov/Reports/SAEK_Committee_2022_Report.pdf (last visited April 1, 2022).

² See e.g. [House Bill 1629](#) (2020) requiring an initial Firearm Injuries, Fatalities, and Crime Firearm Study by December 1, 2020, which had to be extended by [House Bill 1186](#) (2021) for want of adequate firearms data from over 150 LEAs (initial report available online at: https://www.marylandattorneygeneral.gov/Reports/Firearm_Study.pdf (last visited April 1, 2022)).

³ See Office of the Attorney General, *Maryland Public Information Act Manual* (16th ed. Sept. 2021).

In light of the above, we urge the Committee to consider having the Department of Legislative Services staff the Task Force in lieu of the Office of the Attorney General. We would, of course, provide legal counsel to the Task Force on an as-needed basis.

cc: Senator Carter and Judiciary Committee Members