

HOUSE BILL 42

P3

(PRE-FILED)

0lr0686
CF SB 67

By: **Delegate Guyton**

Requested: September 17, 2019

Introduced and read first time: January 8, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Applications for Inspection – Responses and Time**
3 **Limits**

4 FOR the purpose of altering the time periods within which a custodian is required to grant
5 or deny a certain application to inspect a public record and produce a public record
6 in response to an approved application; altering the circumstances under which and
7 the time period within which a custodian is required to indicate certain information
8 in writing or by e-mail; altering the time period within which a custodian who denies
9 the application is required to give the applicant a certain written statement; altering
10 the period for which any time limit imposed under certain provisions of law may be
11 extended with the consent of the applicant; and generally relating to the Public
12 Information Act.

13 BY repealing and reenacting, with amendments,
14 Article – General Provisions
15 Section 4–203
16 Annotated Code of Maryland
17 (2019 Replacement Volume)

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

20 **Article – General Provisions**

21 4–203.

22 (a) (1) Except as provided in paragraph (2) of this subsection, the custodian
23 shall grant or deny the application promptly, but not more than [30] 7 days after receiving
24 the application.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) The custodian shall grant or deny an application that is the subject of § 4–356 of this title not more than 50 days after receiving the application.

(b) (1) A custodian who approves the application shall produce the public record immediately or within a reasonable period that is needed to retrieve the public record, but not more than [30] 7 days after receipt of the application.

(2) If the custodian reasonably believes that it will take more than [10] 5 working days to produce the public record, the custodian shall indicate in writing or by electronic mail within [10] 5 working days after receipt of the request:

(i) the amount of time that the custodian anticipates it will take to produce the public record;

(ii) an estimate of the range of fees that may be charged to comply with the request for public records; and

(iii) the reason for the delay.

(3) Failure to produce the public record in accordance with this subsection constitutes a denial of an application that may not be considered the result of a bona fide dispute unless the custodian has complied with paragraph (2) of this subsection and is working with the applicant in good faith.

(c) (1) A custodian who denies the application shall:

(i) within [10] 5 working days, give the applicant a written statement that gives:

1. the reasons for the denial;

2. if inspection is denied under § 4–343 of this title:

A. a brief explanation of why the denial is necessary; and

B. an explanation of why redacting information would not address the reasons for the denial;

3. the legal authority for the denial;

4. without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial; and

5. notice of the remedies under this title for review of the denial; and

1 (ii) allow inspection of any part of the record that is subject to
2 inspection.

3 (2) A custodian may not ignore an application to inspect public records on
4 the grounds that the application was intended for purposes of harassment.

5 (d) Any time limit imposed under this section:

6 (1) with the consent of the applicant, may be extended for not more than
7 [30] 7 days; and

8 (2) if the applicant seeks resolution of a dispute under § 4-1B-04 of this
9 title, shall be extended pending resolution of that dispute.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2020.