

**HB1042/106288/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1042  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “Delegate Lafferty” and substitute “Delegates Lafferty, Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner”; in line 4, after “prohibiting” insert “, on or after a certain date.”; in line 7, after “individual” insert “under certain circumstances; authorizing certain persons to request that certain official custodians mask certain personal information in the Internet version of public records; requiring that certain requests be in a certain form; requiring certain official custodians under certain circumstances to mask certain personal information and provide certain notice within a certain period of time; providing that certain provisions of this Act do not apply to public records after a certain period; authorizing the State Archives to publish certain electronic or print indices, records, descriptions, summaries, or original records; prohibiting certain persons from submitting for recording certain deeds and other recordable instruments that contain certain personal information; providing that the inclusion of certain personal information does not affect the validity of certain deeds or recordable instruments; providing that the masking of certain personal information does not affect the validity of certain deeds and recordable instruments”; in the same line, after “terms,” insert “making this Act an emergency measure; providing for the application of this Act.”; after line 19, insert:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 9-1009

Annotated Code of Maryland

(2009 Replacement Volume)

(Over)

BY adding to

Article - Real Property

Section 3-111 and 4-101(c)

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 2, after "MARYLAND," insert "AND"; in line 3, strike ", AND THE MARYLAND TAX COURT"; after line 3, insert:

**"(3) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:**

**(I) SOCIAL SECURITY NUMBER; OR**

**(II) DRIVER'S LICENSE NUMBER.**;

in line 4, strike "**(3)**" and substitute "**(4)**"; in lines 5, 13, and 28, in each instance, strike "COMMUNICATE OR OTHERWISE"; in line 6, strike "A" and substitute "**EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, A**"; in the same line, after "COURT" insert "**, TO THE EXTENT PRACTICABLE,**"; in lines 7 and 17, in each instance, strike the colon and substitute "**PERSONAL INFORMATION.**"; strike in their entirety lines 8 and 9; in line 12, after "**(A)**" insert "**(1)**"; in the same line, strike beginning with "SECTION" through "PUBLICLY" and substitute "**SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:**

**(I) SOCIAL SECURITY NUMBER; OR**

**(II) DRIVER'S LICENSE NUMBER.**

**(3) "PUBLICLY";**

in line 15, strike "THE" and substitute "EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, THE"; in the same line, after "ASSEMBLY" insert ", TO THE EXTENT PRACTICABLE,"; strike in their entirety lines 18 and 19; after line 26, insert:

**"(4) "MASK" MEANS TO REDACT FROM PUBLIC VIEW THOSE PORTIONS OF A PUBLIC RECORD THAT CONTAIN PERSONAL INFORMATION, WITHOUT PERMANENTLY ALTERING THE ORIGINAL PUBLIC RECORD.**

**(5) "OFFICIAL CUSTODIAN" MEANS AN OFFICER OR EMPLOYEE OF THE STATE WHO, WHETHER OR NOT THE OFFICER OR EMPLOYEE HAS PHYSICAL CUSTODY AND CONTROL OF A PUBLIC RECORD, IS RESPONSIBLE FOR KEEPING THE PUBLIC RECORD.**

**(6) "PERSON IN INTEREST" MEANS:**

**(I) AN INDIVIDUAL THAT IS THE SUBJECT OF PERSONAL INFORMATION CONTAINED IN A PUBLIC RECORD OR A DESIGNEE OF THE INDIVIDUAL; OR**

**(II) IF THE INDIVIDUAL HAS A LEGAL DISABILITY, THE PARENT OR LEGAL REPRESENTATIVE OF THE INDIVIDUAL.**

**(7) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:**

**(I) SOCIAL SECURITY NUMBER; OR**

(Over)

**(II) DRIVER'S LICENSE NUMBER.**

**(8) (I) "PUBLIC RECORD" MEANS THE ORIGINAL OR ANY COPY OF ANY DOCUMENTARY MATERIAL THAT:**

**1. IS MADE BY A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT OR RECEIVED BY THE UNIT IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS; AND**

**2. IS IN ANY FORM, INCLUDING:**

**A. A CARD;**

**B. A COMPUTERIZED RECORD;**

**C. CORRESPONDENCE;**

**D. A DRAWING;**

**E. FILM OR MICROFILM;**

**F. A FORM;**

**G. A MAP;**

**H. A PHOTOGRAPH OR PHOTOSTAT;**

**I. A RECORDING; OR**

**J. A TAPE.**

**(II) "PUBLIC RECORD" INCLUDES A DOCUMENT THAT LISTS THE SALARY OF AN EMPLOYEE OF A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT.**

**(III) "PUBLIC RECORD" DOES NOT INCLUDE A DIGITAL PHOTOGRAPHIC IMAGE OR SIGNATURE OF AN INDIVIDUAL, OR THE ACTUAL STORED DATA THEREOF, RECORDED BY THE MOTOR VEHICLE ADMINISTRATION.**;

and in line 27, strike "**(4)**" and substitute "**(9)**".

On page 3, in line 1, strike "**A**" and substitute "**EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, A**"; in the same line, after "**UNIT**" insert "**, TO THE EXTENT PRACTICABLE,**"; in line 3, strike the colon and substitute "**PERSONAL INFORMATION.**"; and strike in their entirety lines 4 and 5.

**AMENDMENT NO. 3**

On page 3, after line 5, insert:

**(C) (1) A PERSON IN INTEREST MAY REQUEST AN OFFICIAL CUSTODIAN TO MASK PERSONAL INFORMATION IN THE INTERNET VERSION OF A PUBLIC RECORD.**

**(2) A REQUEST MADE IN ACCORDANCE WITH THIS SUBSECTION SHALL BE:**

**(i) IN WRITING; AND**

(Over)

(II) PROVIDE AN ADEQUATE DESCRIPTION OF THE PUBLIC RECORD INCLUDING A NAME AND ADDRESS OR TYPE AND LOCATION OF THE PUBLIC RECORD.

(3) WITHIN 30 DAYS AFTER RECEIVING A REQUEST UNDER THIS SECTION, AN OFFICIAL CUSTODIAN SHALL:

(I) MASK THE PERSONAL INFORMATION IN THE INTERNET VERSION OF THE RECORD; AND

(II) GIVE THE PERSON IN INTEREST WRITTEN NOTICE OF THE ACTION TAKEN.

(4) THIS SUBSECTION DOES NOT APPLY TO A PUBLIC RECORD AFTER 72 YEARS FROM THE DATE IT WAS MADE OR RECEIVED BY A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT.

9-1009.

(a) The Archives may:

(1) repair and preserve the records under the supervision of the State Archivist, as provided in the State budget;

(2) make a copy of any record in the Archives; and

(3) certify the copy.

**(B) THE ARCHIVES MAY PUBLISH, ELECTRONICALLY OR IN PRINT, INDICES TO RECORDS, DESCRIPTIONS, SUMMARIES OF RECORD MATERIAL, OR ORIGINAL RECORD MATERIAL, IN WHOLE OR IN PART, THAT ARE NOT OTHERWISE RESTRICTED FROM ACCESS UNDER EXISTING LAW.**

**[(b)](C)** The Archives shall index or provide other finding aids for:

- (1) the historical records acquired under § 9–1010 of this subtitle; and
- (2) the land records in its custody under § 9–1011 of this subtitle.

**[(c)](D)** (1) Except as provided in paragraph (2) of this subsection, the Archives may charge a reasonable fee for providing a copy of a record and for certifying the record.

(2) If, with the written approval of a judge of a circuit court, the clerk of court asks for a copy of a land record that a court has transferred to the Commission or Archives, the Archives shall provide, without charge, a micrographic copy of the land record.

Article – Real Property

**3-111.**

**(A) IN THIS SECTION, “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S:**

- (1) SOCIAL SECURITY NUMBER; OR**
- (2) DRIVER’S LICENSE NUMBER.**

(Over)

(B) ON OR AFTER JUNE 1, 2010, A PERSON MAY NOT SUBMIT FOR RECORDING A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION.

(C) IF A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION IS INADVERTENTLY RECORDED, THE INCLUSION OF THE PERSONAL INFORMATION DOES NOT AFFECT THE VALIDITY OF THE INSTRUMENT.

4-101.

(C) THE MASKING OF PERSONAL INFORMATION IN ACCORDANCE WITH § 8-504 OF THE STATE GOVERNMENT ARTICLE DOES NOT AFFECT THE VALIDITY OF A DEED OR OTHER RECORDABLE INSTRUMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any document, deed, or other material that was publicly posted or displayed before June 1, 2010, unless a person in interest makes a request to have personal information masked in accordance with this Act.”;

in line 6, strike “2.” and substitute “3.”; and in lines 6 and 7, strike “shall take effect October 1, 2010” and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.