



Senate Bill 5

Public Information Act - 9-1-1 Communications - Denial of Part of a Public Record

MACo Position: **SUPPORT**

To: Health & Government Operations
Committee

Date: April 2, 2019

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 5 as the bill provides reasonable victim protections against the release of certain personally identifying information under the Maryland Public Information Act (PIA) for transmissions received by 9-1-1 emergency dispatch personnel.

As amended, the bill requires a custodian to notify a victim of a sexual crime, domestic violence, or abuse when a request is made under the PIA for any part of a 9-1-1 record that depicts the victim. The victim has 10 days to respond about whether releasing the record would be contrary to the public interest. The custodian must consider the victim's response when determining whether to grant or deny the inspection. The bill does not affect any discovery or evidentiary rights of a party in a civil suit or criminal prosecution and a person in interest may always inspect the record.

SB 5 anticipates the implementation of Next Generation 9-1-1 (NG9-1-1) in Maryland. NG9-1-1 will improve and enhance the handling of 9-1-1 calls from cell phone users with technology that will increase response times and location accuracy, and allow text, photo, and video data to be shared by callers to first responders on their way to the emergency.

However, unlike legacy 9-1-1 networks, which primarily rely on voice data, NG9-1-1 will generate media not previously subject to public scrutiny – including the insides of private homes and businesses and visceral scenes of trauma. The potential for abusive use of such media, including victim-shaming and posting on the internet, is extremely high. SB 5 provides victims of sensitive crimes a voice in whether a custodian should release a 9-1-1 record that could re-traumatize or inflict further harm on a victim.

SB 5 is narrowly crafted to protect victims of sensitive crimes from unwarranted invasions of personal privacy from media obtained through NG9-1-1 networks. Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on SB 5.