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By: **Senators Frosh, Green, and Hollinger**  
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Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 18, 2004

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CHAPTER 29

1 AN ACT concerning

2 **Acting Attorney General**

3 FOR the purpose of providing for a certain person to serve as acting Attorney General  
4 under certain circumstances; establishing the powers and duties of the acting  
5 Attorney General; setting certain time periods during which the acting Attorney  
6 General would serve; providing for a certain notice; providing that a certain  
7 court has exclusive original jurisdiction over certain issues on petition from  
8 certain persons; authorizing a certain court to pass certain orders; requiring a  
9 certain proceeding to take precedence and be expedited under certain  
10 circumstances; and generally relating to procedures for an acting Attorney  
11 General.

12 BY adding to  
13 Article - State Government  
14 Section 6-110  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2003 Supplement)

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

19 **Article - State Government**

20 6-110.

21 (A) THE SENIOR DEPUTY ATTORNEY GENERAL SHALL SERVE AS ACTING  
22 ATTORNEY GENERAL IF THE ATTORNEY GENERAL TEMPORARILY IS UNABLE OR  
23 UNAVAILABLE TO CARRY OUT THE DUTIES OF OFFICE.

1 (B) IF THE ATTORNEY GENERAL GIVES THE SENIOR DEPUTY ATTORNEY  
2 GENERAL WRITTEN NOTICE OF A TEMPORARY INABILITY OR UNAVAILABILITY, THE  
3 ACTING ATTORNEY GENERAL SHALL SERVE:

4 (1) ON AND AFTER THE DATE THAT THE ATTORNEY GENERAL SETS IN  
5 THE NOTICE; AND

6 (2) UNTIL THE ATTORNEY GENERAL GIVES THE ACTING ATTORNEY  
7 GENERAL WRITTEN NOTICE THAT THE ATTORNEY GENERAL IS ABLE TO CARRY OUT  
8 THE DUTIES OF OFFICE.

9 (C) IF THE ATTORNEY GENERAL HAS NOT GIVEN NOTICE, BUT THE MEMBERS  
10 OF THE BOARD OF PUBLIC WORKS AND THE PRESIDING OFFICERS OF THE GENERAL  
11 ASSEMBLY, BY A MAJORITY VOTE, MAKE A FORMAL, WRITTEN DETERMINATION OF A  
12 TEMPORARY INABILITY OR UNAVAILABILITY OF THE ATTORNEY GENERAL, THE  
13 SENIOR DEPUTY ATTORNEY GENERAL SHALL SERVE AS ACTING ATTORNEY  
14 GENERAL:

15 (1) ON AND AFTER THE DATE OF THE DETERMINATION; AND

16 (2) UNTIL THE MEMBERS OF THE BOARD OF PUBLIC WORKS AND THE  
17 PRESIDING OFFICERS OF THE GENERAL ASSEMBLY JOINTLY, BY A MAJORITY VOTE,  
18 DETERMINE AND GIVE THE ATTORNEY GENERAL AND THE ACTING ATTORNEY  
19 GENERAL WRITTEN NOTICE THAT THE ATTORNEY GENERAL IS ABLE TO CARRY OUT  
20 THE DUTIES OF OFFICE.

21 (D) (1) ON PETITION OF ~~THE MEMBERS~~ ANY MEMBER OF THE BOARD OF  
22 PUBLIC WORKS, ~~THE A PRESIDING OFFICERS OFFICER~~ OF THE GENERAL ASSEMBLY,  
23 THE ATTORNEY GENERAL, OR THE ACTING ATTORNEY GENERAL, A CIRCUIT COURT  
24 HAS EXCLUSIVE ORIGINAL JURISDICTION TO DETERMINE ANY ISSUE THAT ARISES  
25 UNDER THIS SECTION AND TO PASS ANY APPROPRIATE ORDER.

26 (2) EXCEPT FOR CASES THAT THE COURT CONSIDERS OF GREATER  
27 IMPORTANCE, A PROCEEDING UNDER THIS SECTION, INCLUDING AN APPEAL, SHALL:

28 (I) TAKE PRECEDENCE ON THE DOCKET;

29 (II) BE HEARD AT THE EARLIEST PRACTICABLE DATE; AND

30 (III) BE EXPEDITED IN EVERY WAY.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2004.

