
By: **Senators Mitchell, Hughes, and McFadden**
Introduced and read first time: January 29, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Prosecutor - Investigations - Homicide or Assault by Law Enforcement**
3 **Officer**

4 FOR the purpose of expanding the authority of the State Prosecutor to investigate a
5 homicide or assault in the first degree occurring on or after a certain date that
6 allegedly was caused by a law enforcement officer of the State or of a political
7 subdivision of the State, if a State's Attorney does not take certain action; and
8 generally relating to the authority of the State Prosecutor.

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 9-1203
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2000 Supplement)

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

16 **Article - State Government**

17 9-1203.

18 (a) (1) Except with respect to offenses alleged to be committed by the State
19 Prosecutor or members of the State Prosecutor's staff, the State Prosecutor may, on
20 the State Prosecutor's own initiative, or at the request of the Governor, the Attorney
21 General, the General Assembly, the State Ethics Commission, or a State's Attorney,
22 investigate:

23 (i) criminal offenses under the State election laws;

24 (ii) criminal offenses under the State Public Ethics Law;

25 (iii) violations of the State bribery laws in which an official or
26 employee of the State or of a political subdivision of the State or of any bicounty or
27 multicounty agency of the State was the offeror, offeree, or intended offeror or offeree
28 of a bribe;

1 (iv) offenses constituting criminal malfeasance, misfeasance, or
2 nonfeasance in office committed by an officer or employee of the State or of a political
3 subdivision of the State or of any bicounty or multicounty agency of the State; [and]

4 (v) violations of the State extortion, perjury, and obstruction of
5 justice laws related to any activity described in subparagraphs (i) through (iv) of this
6 paragraph; AND

7 (VI) A HOMICIDE OR AN ASSAULT IN THE FIRST DEGREE
8 OCCURRING ON OR AFTER JANUARY 1, 1993, THAT ALLEGEDLY WAS CAUSED BY A
9 LAW ENFORCEMENT OFFICER OF THE STATE OR OF A POLITICAL SUBDIVISION OF
10 THE STATE, IF:

11 1. AFTER INITIAL REVIEW, A STATE'S ATTORNEY DOES NOT
12 FILE AN INFORMATION OR SEEK A GRAND JURY INDICTMENT IN THE CASE; OR

13 2. AFTER NEW FACTS ABOUT THE CASE ARE BROUGHT TO
14 THE STATE'S ATTORNEY'S ATTENTION FOLLOWING THE INITIAL REVIEW, THE
15 STATE'S ATTORNEY STILL DOES NOT FILE AN INFORMATION OR SEEK A GRAND JURY
16 INDICTMENT.

17 (2) Any person who is advised by the State Prosecutor that the person is
18 under investigation under paragraph (1)(iv) of this subsection may release to the
19 public this information, including any results pertaining to the person.

20 (b) At the request of either the Governor, Attorney General, General Assembly,
21 or a State's Attorney, the State Prosecutor may investigate criminal activity that is
22 conducted or committed partly in this State and partly in another jurisdiction, or that
23 is conducted or committed in more than one political subdivision of the State.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2001.