

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

Senate Bill 306 (Senator Mitchell, *et al.*)  
Judicial Proceedings

---

State Prosecutor - Investigations - Homicide or Assault by Law Enforcement  
Officer

---

This bill provides the State Prosecutor with the authority to investigate a homicide or first degree assault occurring on or after January 1, 1993 that allegedly was caused by a law enforcement officer of the State or of a political subdivision of the State, if: (1) after initial review, a State's Attorney does not file an information or seek a grand jury indictment in the case; or (2) after new facts about the case are brought to the State's Attorney's attention following the initial review, the State's Attorney still does not file an information or seek a grand jury indictment.

---

Fiscal Summary

**State Effect:** The requirements of this bill could be handled with the existing budgeted resources of the Office of the State Prosecutor. Any criminal penalties arising as a result of this bill are not expected to significantly affect State finances or operations, including those of any State law enforcement agency.

**Local Effect:** Any additional trials arising as a result of this bill are not expected to significantly affect the finances or operations of the circuit courts, local law enforcement agencies, or any affected State's Attorney's office.

**Small Business Effect:** None.

---

## Analysis

**Current Law:** The State Prosecutor may investigate: (1) criminal offenses under the State election laws; (2) criminal offenses under the State Public Ethics Law; (3) violations of the State bribery laws in which an official or employee of the State or of a political subdivision of the State or of any bicounty or multicounty agency of the State was the offeror, offeree, or intended offeror or offeree of a bribe; (4) offenses constituting criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer or employee of the State or of a political subdivision of the State or of any bicounty or multicounty agency of the State; and (5) violations of the State extortion, perjury, and obstruction of justice laws related to any activity described in items (1) through (4).

In addition, at the request of the Governor, the Attorney General, the General Assembly, or a State's Attorney, the State Prosecutor may investigate criminal activity that is conducted or committed partly in this State and partly in another jurisdiction, or that is conducted or committed in more than one political subdivision of the State.

**Background:** By filing an information or seeking a grand jury indictment, a State's Attorney initiates the criminal process involving a homicide occurring in the county where the State's Attorney is located.

---

## Additional Information

**Prior Introductions:** Similar bills were introduced in the 2000 session as SB 297/HB 704. Those bills applied to homicides occurring on or after July 1, 1993. SB 297 was not reported out of the Judicial Proceedings Committee. HB 704 received an unfavorable report by the Judiciary Committee

**Cross File:** None.

**Information Source(s):** Office of the State's Prosecutor, Office of the State's Attorneys' Coordinator, Department of Legislative Services

**Fiscal Note History:** First Reader – March 1, 2001  
ef/cer

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510

