

SENATE BILL 164

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2004 Regular Session
4lr0541

By: **Senators Frosh, Green, and Hollinger**
Introduced and read first time: January 23, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

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.

24 (B) IF THE ATTORNEY GENERAL GIVES THE SENIOR DEPUTY ATTORNEY
25 GENERAL WRITTEN NOTICE OF A TEMPORARY INABILITY OR UNAVAILABILITY, THE
26 ACTING ATTORNEY GENERAL SHALL SERVE:

27 (1) ON AND AFTER THE DATE THAT THE ATTORNEY GENERAL SETS IN
28 THE NOTICE; AND

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

4 (C) IF THE ATTORNEY GENERAL HAS NOT GIVEN NOTICE, BUT THE MEMBERS
5 OF THE BOARD OF PUBLIC WORKS AND THE PRESIDING OFFICERS OF THE GENERAL
6 ASSEMBLY MAKE A FORMAL, WRITTEN DETERMINATION OF A TEMPORARY INABILITY
7 OR UNAVAILABILITY OF THE ATTORNEY GENERAL, THE SENIOR DEPUTY ATTORNEY
8 GENERAL SHALL SERVE AS ACTING ATTORNEY GENERAL:

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

10 (2) UNTIL THE MEMBERS OF THE BOARD OF PUBLIC WORKS AND THE
11 PRESIDING OFFICERS OF THE GENERAL ASSEMBLY JOINTLY DETERMINE AND GIVE
12 THE ATTORNEY GENERAL AND THE ACTING ATTORNEY GENERAL WRITTEN NOTICE
13 THAT THE ATTORNEY GENERAL IS ABLE TO CARRY OUT THE DUTIES OF OFFICE.

14 (D) (1) ON PETITION OF THE MEMBERS OF THE BOARD OF PUBLIC WORKS,
15 THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, THE ATTORNEY GENERAL,
16 OR THE ACTING ATTORNEY GENERAL, A CIRCUIT COURT HAS EXCLUSIVE ORIGINAL
17 JURISDICTION TO DETERMINE ANY ISSUE THAT ARISES UNDER THIS SECTION AND
18 TO PASS ANY APPROPRIATE ORDER.

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

21 (I) TAKE PRECEDENCE ON THE DOCKET;

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

23 (III) BE EXPEDITED IN EVERY WAY.

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