

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

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

CHAPTER_____

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.

