

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 164

(Senator Frosh, *et al.*)

Judicial Proceedings

Health and Government Operations

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Acting Attorney General

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This bill provides that the senior deputy Attorney General will serve as Acting Attorney General in the event that the Attorney General: (1) is temporarily unable or unavailable to carry out the duties of office; (2) gives general written notice of a temporary inability or unavailability; or (3) if the members of the Board of Public Works and the presiding officers of the General Assembly by majority vote make a formal, written determination of temporary inability or unavailability.

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Fiscal Summary

**State Effect:** None. The bill is procedural in nature and would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill allows the senior deputy Attorney General to serve as Acting Attorney General until the temporary inability or unavailability of the Attorney General has ended or during the term specified in any general written notice of temporary inability or unavailability by the Attorney General. In addition, if the Board of Public Works and presiding officers of the General Assembly by majority vote make a determination of the Attorney General's temporary inability or unavailability, the senior deputy Attorney General shall serve until the board and presiding officers by majority vote determine that the Attorney General is able to carry out the duties of the office and

give notice of such determination to both the Attorney General and Acting Attorney General.

The bill would also give a circuit court exclusive jurisdiction upon petition by either a member of the Board of Public Works, a presiding officer of the General Assembly, the Attorney General, or the Acting Attorney General to determine any issue arising under the bill's provisions.

**Current Law:** There are no provisions in State law regarding the temporary inability or unavailability of the Attorney General, although Title 6 of the State Government Article does allow the Attorney General to delegate any duty that the law imposes on the Attorney General, to a deputy Attorney General, an assistant Attorney General, a special attorney appointed according to provisions in the title or, to the extent permitted by law, a law clerk.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - January 30, 2004  
mh/jr Revised - Senate Third Reader - March 23, 2004

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