

# HOUSE BILL 152

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3lr0456

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By: **Delegates Anderson, Vallario, Carter, Cluster, Conaway, Dumais, Glenn, Hough, Ivey, McComas, McDermott, Mitchell, Parrott, Smigiel, and Valderrama**

Introduced and read first time: January 18, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Successive Federal and State Prosecutions – Bar**

3 FOR the purpose of providing that if an act is a violation of both a State and a federal  
4 criminal statute, the commencement of a prosecution under the federal statute  
5 bars a prosecution under the State statute; establishing that for certain  
6 purposes, a prosecution under a federal statute is deemed to be commenced once  
7 jeopardy has attached; providing for the application of this Act; and generally  
8 relating to successive federal and State prosecutions.

9 BY adding to  
10 Article – Criminal Procedure  
11 Section 1–211  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Procedure**

17 **1–211.**

18 **(A) IF AN ACT IS A VIOLATION OF BOTH A STATE AND A FEDERAL**  
19 **CRIMINAL STATUTE, THE COMMENCEMENT OF A PROSECUTION UNDER THE**  
20 **FEDERAL STATUTE BARS A PROSECUTION UNDER THE STATE STATUTE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) FOR PURPOSES OF THIS SECTION, A PROSECUTION UNDER A**  
2 **FEDERAL STATUTE IS DEEMED TO BE COMMENCED ONCE JEOPARDY HAS**  
3 **ATTACHED.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
5 construed to apply only prospectively and may not be applied or interpreted to have  
6 any effect on or application to any crime committed before the effective date of this  
7 Act.

8           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2013.