

# HOUSE BILL 112

E2

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By: **Delegate Conaway**

Introduced and read first time: January 26, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Police–Involved Death – State Prosecutor**

3 FOR the purpose of authorizing, under certain circumstances, the State Prosecutor to  
4 investigate a death of an individual that results directly from an action or an  
5 omission of a law enforcement officer of the State or of a political subdivision of the  
6 State while the officer is on duty or while the officer is off duty but performing  
7 activities that are within the scope of the officer’s duties; providing for the  
8 application of this Act; and generally relating to the State Prosecutor.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 14–107  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2014 Supplement)

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

16 **Article – Criminal Procedure**

17 14–107.

18 (a) (1) Except as provided in paragraph (2) of this subsection, the State  
19 Prosecutor may investigate:

20 (i) a criminal offense under the State election laws;

21 (ii) a criminal offense under the State Public Ethics Law;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) a violation of the State bribery laws in which an official or  
2 employee of the State, a political subdivision of the State, or a bicounty or multicounty unit  
3 of the State was the offeror, offeree, or intended offeror or offeree of a bribe;

4 (iv) an offense constituting criminal malfeasance, misfeasance, or  
5 nonfeasance in office committed by an officer or employee of the State, of a political  
6 subdivision of the State, or of a bicounty or multicounty unit of the State;

7 (v) a violation of the State extortion, perjury, or obstruction of justice  
8 laws related to an activity described in this paragraph; [and]

9 (vi) a criminal offense related to voting in a municipal election under  
10 § 4-108.1 of the Local Government Article; AND

11 **(VII) A DEATH OF AN INDIVIDUAL THAT RESULTS DIRECTLY FROM**  
12 **AN ACTION OR AN OMISSION OF A LAW ENFORCEMENT OFFICER OF THE STATE OR**  
13 **OF A POLITICAL SUBDIVISION OF THE STATE WHILE THE OFFICER IS ON DUTY OR**  
14 **WHILE THE OFFICER IS OFF DUTY BUT PERFORMING ACTIVITIES THAT ARE WITHIN**  
15 **THE SCOPE OF THE OFFICER'S DUTIES IF, AFTER INITIAL REVIEW, THE STATE'S**  
16 **ATTORNEY FOR THE JURISDICTION IN WHICH THE DEATH OCCURRED DOES NOT**  
17 **FILE AN INFORMATION OR SEEK A GRAND JURY INDICTMENT IN THE CASE.**

18 (2) The State Prosecutor may not investigate an offense alleged to have  
19 been committed by the State Prosecutor or a member of the State Prosecutor's staff.

20 (3) The State Prosecutor may investigate an alleged offense under  
21 paragraph (1) of this subsection on the State Prosecutor's own initiative or on request of:

22 (i) the Governor;

23 (ii) the Attorney General;

24 (iii) the General Assembly;

25 (iv) the State Ethics Commission; or

26 (v) a State's Attorney.

27 (4) An individual who is advised by the State Prosecutor that the  
28 individual is under investigation under paragraph (1)(iv) of this subsection may release  
29 this information to the public, as well as any results of the investigation that pertain to the  
30 individual.

31 (b) On request of the Governor, the Attorney General, the General Assembly, or  
32 a State's Attorney, the State Prosecutor may investigate criminal activity that is  
33 committed:

1           (1) partly in the State and partly in another jurisdiction; or

2           (2) in more than one political subdivision of the State.

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

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2015.