

HOUSE BILL 365

E2

5lr1681

By: **Delegates Anderson, Glenn, Haynes, McIntosh, Oaks, B. Robinson, and Sydnor**
Introduced and read first time: February 5, 2015
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Felony Prosecution of Law Enforcement Officer –**
3 **Attorney General**

4 FOR the purpose of requiring a State’s Attorney, on the filing of a statement of charges or
5 an information against a certain law enforcement officer for a certain felony offense,
6 to immediately forward the case, including charges relating to the felony, to the
7 Office of the Attorney General for prosecution; establishing that when exercising a
8 certain authority the Attorney General has certain powers and duties to prosecute a
9 certain violation; requiring the joining of certain causes of action in certain
10 circumstances; defining a term; providing for the application of this Act; and
11 generally relating to felonies and law enforcement officers.

12 BY adding to
13 Article – Criminal Procedure
14 Section 4–110
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2014 Supplement)

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

19 **Article – Criminal Procedure**

20 **4–110.**

21 **(A) (1) IN THIS SECTION, “LAW ENFORCEMENT OFFICER” HAS THE**
22 **MEANING STATED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “LAW ENFORCEMENT OFFICER” INCLUDES A FEDERAL LAW**
2 **ENFORCEMENT OFFICER WHO EXERCISES THE POWERS SET FORTH IN § 2-104 OF**
3 **THIS ARTICLE.**

4 **(B) ON THE FILING OF A STATEMENT OF CHARGES OR AN INFORMATION**
5 **AGAINST A LAW ENFORCEMENT OFFICER FOR A FELONY OFFENSE ALLEGEDLY**
6 **COMMITTED IN THE COURSE OF EXECUTING THE DUTIES OF THE LAW**
7 **ENFORCEMENT OFFICER, THE STATE’S ATTORNEY FOR THE COUNTY IN WHICH THE**
8 **CRIME ALLEGEDLY OCCURRED SHALL IMMEDIATELY FORWARD THE CASE,**
9 **INCLUDING ANY CHARGES RELATED TO THE FELONY, TO THE OFFICE OF THE**
10 **ATTORNEY GENERAL FOR PROSECUTION.**

11 **(C) IN EXERCISING AUTHORITY UNDER SUBSECTION (B) OF THIS SECTION,**
12 **THE ATTORNEY GENERAL HAS ALL THE POWERS AND DUTIES OF A STATE’S**
13 **ATTORNEY TO PROSECUTE THE VIOLATION, INCLUDING THE USE OF THE GRAND**
14 **JURY IN THE COUNTY.**

15 **(D) IN CIRCUMSTANCES IN WHICH VIOLATIONS DESCRIBED IN THIS**
16 **SECTION ARE ALLEGED TO HAVE BEEN COMMITTED IN MORE THAN ONE COUNTY,**
17 **THE RESPECTIVE STATE’S ATTORNEY OF EACH COUNTY AND THE ATTORNEY**
18 **GENERAL SHALL JOIN THE CAUSES OF ACTION IN A SINGLE COMPLAINT.**

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

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