

HOUSE BILL 948

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By: **Delegate Wells**

Introduced and read first time: February 2, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Office of the Inspector General – Establishment**

3 FOR the purpose of establishing the Maryland Office of the Inspector General; establishing
4 the Maryland Office of the Inspector General Advisory Board; providing for the
5 composition of the Advisory Board; establishing a quorum for the transaction of
6 business by the Advisory Board; establishing that the Advisory Board has the power
7 to appoint and remove the Inspector General subject to certain conditions; requiring
8 the Advisory Board to conduct a certain number of meetings annually to review the
9 performance of the Inspector General; requiring that, in the event that the position
10 of Inspector General remains vacant for a period in excess of a certain number of
11 days, the Advisory Board submit a certain report to the General Assembly by a
12 certain day and at regular intervals thereafter until the vacancy is filled;
13 establishing the conditions under which the position of Inspector General shall be
14 deemed vacant; establishing the position of the Inspector General; providing for the
15 term of the Inspector General; establishing that the Inspector General shall continue
16 to serve until a successor is appointed; specifying eligibility qualifications that an
17 individual must meet to qualify for the position of Inspector General; requiring the
18 Inspector General to supervise and direct the Office; authorizing the Inspector
19 General to establish office space maintained and equipped by the State; authorizing
20 the Inspector General to employ a staff; authorizing the Inspector General to
21 designate from the employees one Chief Deputy Inspector General and a certain
22 number of deputies; providing for the salary of the Inspector General and funding
23 for the Office; providing for the Chief Deputy Inspector General to serve as the acting
24 Inspector General during a period of temporary inability or unavailability of the
25 Inspector General and providing that the position of Inspector General may not be
26 deemed vacant during a period of temporary inability or unavailability if certain
27 conditions are met; requiring the Inspector General to receive certain complaints and
28 establish certain methods for the anonymous filing of complaints; requiring the
29 Inspector General to determine whether complaints received by the Office should be
30 investigated; requiring the Inspector General to notify the appropriate law
31 enforcement agency if evidence of criminal activity is discovered while investigating

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 a complaint; authorizing the Inspector General to investigate certain complaints and
2 audit or cooperate in audits and investigations of a unit of the Executive Branch of
3 the State; prohibiting the Inspector General from disclosing the source of a complaint
4 except under certain circumstances; requiring the Inspector General to periodically
5 review the policies and procedures of Executive Branch units and make
6 recommendations to improve the policies and procedures of the units; requiring a
7 unit to cooperate fully with the Inspector General in an investigation or audit
8 conducted by the Office; requiring the Inspector General to have access to records,
9 data, reports, contracts, correspondence, or other documents of a unit during an
10 investigation or audit; providing for the Inspector General's duties and powers when
11 conducting an investigation or audit; providing that certain records prepared or
12 obtained by the Inspector General are not subject to the Public Information Act until
13 a certain report is issued; providing that an individual who discloses a record that is
14 protected from disclosure is guilty of a misdemeanor and subject to a fine, a term of
15 imprisonment, or both; providing for the disclosure of certain public records;
16 requiring the Inspector General, at the end of each fiscal year, to submit certain
17 reports to the Governor and the General Assembly; requiring the Inspector General
18 to provide an opportunity for the unit which is the subject of a certain investigation
19 or audit to respond to a certain report under certain circumstances; requiring reports
20 of the Office to be posted to the website for the Office; requiring the Inspector General
21 to develop an operations manual that conforms to certain standards and to publish
22 the manual on the Office's website; requiring the Inspector General to provide
23 training and education for the units; authorizing the Inspector General to adopt
24 regulations to carry out this Act; authorizing the Governor to transfer to the Office
25 certain positions and funds from agencies, departments, and units of the Executive
26 Branch of State government; requiring that all employees transferred to the Office
27 as a result of this Act be transferred without diminution of their rights, benefits,
28 employment, or retirement status; defining certain terms; and generally relating to
29 the Maryland Office of the Inspector General.

30 BY adding to

31 Article – State Government

32 Section 7.5–101 through 7.5–112 to be under the new title “Title 7.5. Inspector
33 General”

34 Annotated Code of Maryland

35 (2014 Replacement Volume and 2020 Supplement)

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

38 **Article – State Government**

39 **TITLE 7.5. INSPECTOR GENERAL.**

40 **7.5–101.**

1 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ADVISORY BOARD" MEANS THE MARYLAND OFFICE OF THE
4 INSPECTOR GENERAL ADVISORY BOARD.

5 (C) "INSPECTOR GENERAL" MEANS THE INSPECTOR GENERAL OF THE
6 STATE.

7 (D) "OFFICE" MEANS THE MARYLAND OFFICE OF THE INSPECTOR
8 GENERAL.

9 (E) "UNIT" MEANS AN AGENCY OR A UNIT OF THE EXECUTIVE BRANCH OF
10 STATE GOVERNMENT.

11 **7.5-102.**

12 (A) THERE IS A MARYLAND OFFICE OF THE INSPECTOR GENERAL
13 ADVISORY BOARD.

14 (B) THE ADVISORY BOARD IS COMPOSED OF THE FOLLOWING MEMBERS:

15 (1) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;

16 (2) THE COMPTROLLER OR THE COMPTROLLER'S DESIGNEE;

17 (3) THE PRESIDENT OF THE SENATE OR THE PRESIDENT'S
18 DESIGNEE;

19 (4) THE SPEAKER OF THE HOUSE OR THE SPEAKER'S DESIGNEE; AND

20 (5) THREE MEMBERS, ONE APPOINTED BY THE GOVERNOR, ONE
21 APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE APPOINTED BY THE
22 SPEAKER OF THE HOUSE, WHO ARE PROFESSIONALLY QUALIFIED THROUGH
23 EXPERIENCE OR EDUCATION IN AUDITING, FINANCIAL ANALYSIS, BUSINESS
24 MANAGEMENT, PUBLIC ADMINISTRATION, CRIMINAL JUSTICE, OR LAW.

25 (C) (1) THE GOVERNOR, THE COMPTROLLER, THE PRESIDENT OF THE
26 SENATE, AND THE SPEAKER OF THE HOUSE SHALL CONSTITUTE A QUORUM FOR THE
27 TRANSACTION OF BUSINESS BY THE ADVISORY BOARD.

28 (2) A DESIGNEE OF A MEMBER IDENTIFIED IN PARAGRAPH (1) OF
29 THIS SUBSECTION SHALL BE INCLUDED FOR THE DETERMINATION OF A QUORUM.

1 **(D) (1) THE ADVISORY BOARD SHALL:**

2 **(I) APPOINT THE INSPECTOR GENERAL WITHOUT REGARD TO**
3 **POLITICAL AFFILIATION ON THE AFFIRMATIVE VOTE OF NOT LESS THAN FOUR**
4 **MEMBERS; AND**

5 **(II) CONDUCT AT LEAST ONE ANNUAL MEETING TO REVIEW THE**
6 **PERFORMANCE OF THE INSPECTOR GENERAL.**

7 **(2) THE ADVISORY BOARD MAY REMOVE THE INSPECTOR GENERAL**
8 **ON THE AFFIRMATIVE VOTE OF NOT LESS THAN FOUR MEMBERS FOR:**

9 **(I) MISCONDUCT IN OFFICE;**

10 **(II) PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE**
11 **OFFICE; OR**

12 **(III) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION**
13 **OF JUSTICE.**

14 **(E) (1) (I) IN THE EVENT THAT THE POSITION OF INSPECTOR**
15 **GENERAL REMAINS VACANT FOR A PERIOD IN EXCESS OF 180 DAYS, THE ADVISORY**
16 **BOARD SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
17 **GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE 181ST DAY AND**
18 **EVERY 60TH DAY THEREAFTER UNTIL THE VACANCY IS FILLED.**

19 **(II) FOR THE PURPOSE OF CALCULATING TIME UNDER THIS**
20 **SUBSECTION, THE POSITION OF INSPECTOR GENERAL SHALL BE DEEMED VACANT**
21 **FOLLOWING:**

22 **1. THE RESIGNATION OF THE INSPECTOR GENERAL;**

23 **2. THE REMOVAL OF THE INSPECTOR GENERAL UNDER**
24 **SUBSECTION (D)(2) OF THIS SECTION; OR**

25 **3. THE END OF THE TERM FOR THE INSPECTOR**
26 **GENERAL, REGARDLESS OF WHETHER THE INSPECTOR GENERAL CONTINUES TO**
27 **SERVE UNDER § 7.5-103(B)(3) OF THIS TITLE.**

28 **(2) THE REPORT SHALL INCLUDE A REVIEW OF:**

1 (I) THE ONGOING EFFORTS TO APPOINT A NEW INSPECTOR
2 GENERAL; AND

3 (II) THE ACTIVITIES OF THE OFFICE DURING THE VACANCY.

4 7.5-103.

5 (A) THERE IS AN INSPECTOR GENERAL OF THE STATE.

6 (B) (1) THE INSPECTOR GENERAL SHALL BE APPOINTED BY THE
7 ADVISORY BOARD.

8 (2) THE TERM OF THE INSPECTOR GENERAL IS 6 YEARS, BEGINNING
9 JULY 1 AFTER THE APPOINTMENT OF THE INSPECTOR GENERAL.

10 (3) AT THE END OF A TERM, THE INSPECTOR GENERAL SHALL
11 CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

12 (C) (1) THE INSPECTOR GENERAL MUST BE PROFESSIONALLY
13 QUALIFIED THROUGH EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE
14 FOLLOWING AREAS:

15 (I) AUDITING;

16 (II) FINANCIAL ANALYSIS;

17 (III) BUSINESS MANAGEMENT;

18 (IV) PUBLIC ADMINISTRATION;

19 (V) CRIMINAL JUSTICE; OR

20 (VI) LAW.

21 (2) THE INSPECTOR GENERAL MUST BE CERTIFIED BY THE
22 ASSOCIATION OF INSPECTORS GENERAL AS A CERTIFIED INSPECTOR GENERAL OR
23 SHALL OBTAIN CERTIFICATION WITHIN 6 MONTHS AFTER APPOINTMENT.

24 (D) THE INSPECTOR GENERAL IS ENTITLED TO:

25 (1) THE SALARY PROVIDED IN THE STATE BUDGET; AND

1 **(2) REIMBURSEMENT FOR TRAVEL AND OTHER EXPENSES THAT ARE**
2 **CONNECTED WITH THE DUTIES OF THE OFFICE.**

3 **7.5-104.**

4 **(A) THERE IS A MARYLAND OFFICE OF THE INSPECTOR GENERAL.**

5 **(B) THE INSPECTOR GENERAL SHALL SUPERVISE AND DIRECT THE OFFICE.**

6 **(C) (1) THE INSPECTOR GENERAL MAY ESTABLISH OFFICE SPACE THAT**
7 **THE STATE SHALL MAINTAIN AND EQUIP.**

8 **(2) FUNDING FOR THE OFFICE SHALL BE AS PROVIDED IN THE STATE**
9 **BUDGET.**

10 **7.5-105.**

11 **(A) (1) THE INSPECTOR GENERAL MAY EMPLOY A STAFF IN**
12 **ACCORDANCE WITH THE STATE BUDGET.**

13 **(2) STAFF EMPLOYED UNDER THIS SECTION:**

14 **(I) SHALL:**

15 1. **PERFORM THE DUTIES THAT THE INSPECTOR**
16 **GENERAL ASSIGNS; AND**

17 2. **CARRY IDENTIFICATION CARDS THAT IDENTIFY THE**
18 **STAFF AS EMPLOYEES OF THE OFFICE;**

19 **(II) SERVE AT THE PLEASURE OF THE INSPECTOR GENERAL;**
20 **AND**

21 **(III) ARE ENTITLED TO:**

22 1. **COMPENSATION AS PROVIDED IN THE STATE BUDGET;**
23 **AND**

24 2. **REIMBURSEMENT FOR EXPENSES UNDER THE**
25 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

1 (B) FROM AMONG THE EMPLOYEES ON THE STAFF, THE INSPECTOR
2 GENERAL MAY DESIGNATE ONE CHIEF DEPUTY INSPECTOR GENERAL AND ONE OR
3 MORE DEPUTY INSPECTORS GENERAL.

4 **7.5-106.**

5 (A) THE CHIEF DEPUTY INSPECTOR GENERAL SHALL SERVE AS ACTING
6 INSPECTOR GENERAL IF THE INSPECTOR GENERAL IS TEMPORARILY UNABLE OR
7 UNAVAILABLE TO CARRY OUT THE DUTIES OF THE OFFICE.

8 (B) IF THE INSPECTOR GENERAL GIVES THE CHIEF DEPUTY INSPECTOR
9 GENERAL WRITTEN NOTICE OF A TEMPORARY INABILITY OR UNAVAILABILITY:

10 (1) THE ACTING INSPECTOR GENERAL SHALL SERVE ON AND AFTER
11 THE DATE THAT THE INSPECTOR GENERAL SETS IN THE NOTICE AND UNTIL THE
12 INSPECTOR GENERAL GIVES THE ACTING INSPECTOR GENERAL WRITTEN NOTICE
13 THAT THE INSPECTOR GENERAL IS ABLE TO CARRY OUT THE DUTIES OF THE
14 OFFICE; AND

15 (2) THE POSITION OF INSPECTOR GENERAL MAY NOT BE DEEMED
16 VACANT.

17 **7.5-107.**

18 (A) THE INSPECTOR GENERAL SHALL:

19 (1) RECEIVE COMPLAINTS OF WASTE, MISMANAGEMENT,
20 MISCONDUCT, ABUSE, FRAUD, OR CORRUPTION IN THE UNITS; AND

21 (2) ESTABLISH A TOLL-FREE HOTLINE NUMBER AND WEBSITE
22 THROUGH WHICH ANONYMOUS COMPLAINTS MAY BE FILED.

23 (B) IF THE INSPECTOR GENERAL RECEIVES A COMPLAINT UNDER
24 SUBSECTION (A) OF THIS SECTION, THE INSPECTOR GENERAL SHALL DETERMINE
25 WHETHER THE COMPLAINT SHOULD BE INVESTIGATED.

26 (C) IF THE INSPECTOR GENERAL DISCOVERS EVIDENCE OF CRIMINAL
27 ACTIVITY WHEN INVESTIGATING A COMPLAINT, THE INSPECTOR GENERAL SHALL
28 NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY.

29 **7.5-108.**

30 (A) THE INSPECTOR GENERAL:

1 (1) MAY INVESTIGATE COMPLAINTS OF WASTE, MISMANAGEMENT,
2 MISCONDUCT, ABUSE, FRAUD, OR CORRUPTION IN THE UNITS;

3 (2) MAY CONDUCT AUDITS OF THE UNITS;

4 (3) SHALL COOPERATE WITH INVESTIGATIONS BY THE UNITS OR
5 OTHER STATE OR FEDERAL AGENCIES AND, IF A PRELIMINARY INVESTIGATION OF
6 WASTE, MISMANAGEMENT, MISCONDUCT, ABUSE, FRAUD, OR CORRUPTION
7 ESTABLISHES A SUFFICIENT BASIS TO WARRANT REFERRAL, SHALL REFER THE
8 MATTER TO THE APPROPRIATE STATE OR FEDERAL ENFORCEMENT OFFICIALS; AND

9 (4) IN CARRYING OUT THE DUTIES UNDER ITEMS (1) THROUGH (3) OF
10 THIS SUBSECTION, SHALL TAKE STEPS TO ENSURE THAT A PERSON OR UNIT
11 SUBJECT TO THE JURISDICTION OF THE OFFICE IS NOT SUBJECT TO DUPLICATIVE
12 INVESTIGATIONS OR AUDITS.

13 (B) (1) THE INSPECTOR GENERAL MAY NOT DISCLOSE THE IDENTITY OF
14 THE SOURCE OF A COMPLAINT OR INFORMATION PROVIDED UNDER § 7.5-107 OF
15 THIS TITLE UNLESS THE INSPECTOR GENERAL:

16 (I) OBTAINS THE WRITTEN CONSENT OF THE SOURCE; OR

17 (II) DETERMINES THAT DISCLOSURE OF THE IDENTITY OF THE
18 SOURCE IS NECESSARY AND UNAVOIDABLE DURING THE COURSE OF THE
19 INVESTIGATION.

20 (2) IF THE INSPECTOR GENERAL DETERMINES THAT DISCLOSURE OF
21 THE IDENTITY OF A SOURCE IS NECESSARY AND UNAVOIDABLE, THE INSPECTOR
22 GENERAL SHALL NOTIFY THE SOURCE IN WRITING AT LEAST 7 DAYS BEFORE
23 DISCLOSURE.

24 (C) THE INSPECTOR GENERAL PERIODICALLY SHALL:

25 (1) REVIEW THE POLICIES AND PROCEDURES OF THE UNITS; AND

26 (2) MAKE RECOMMENDATIONS TO IMPROVE THE POLICIES AND
27 PROCEDURES OF THE UNITS.

28 **7.5-109.**

29 (A) A UNIT SHALL COOPERATE FULLY WITH THE INSPECTOR GENERAL IN
30 AN INVESTIGATION OR AUDIT THAT IS CONDUCTED BY THE OFFICE.

1 **(B) THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ALL RECORDS,**
2 **DATA, REPORTS, CONTRACTS, CORRESPONDENCE, OR OTHER DOCUMENTS OF A**
3 **UNIT DURING AN INVESTIGATION OR AUDIT CONDUCTED BY THE OFFICE.**

4 **(C) IN THE PERFORMANCE OF THE DUTIES OF THE INSPECTOR GENERAL,**
5 **THE INSPECTOR GENERAL OR THE INSPECTOR GENERAL'S DESIGNEE MAY:**

6 **(1) SEEK AND OBTAIN SWORN TESTIMONY;**

7 **(2) COMPEL THE ATTENDANCE OF WITNESSES TO BE DEPOSED BY THE**
8 **OFFICE; AND**

9 **(3) COMPEL THE PRODUCTION OF RECORDS BY ISSUING A SUBPOENA**
10 **IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

11 **(D) (1) THE INSPECTOR GENERAL MAY ISSUE A SUBPOENA OR SUBPOENA**
12 **DUCES TECUM ONLY WITH THE APPROVAL OF A JUDGE OF THE CIRCUIT COURT FOR**
13 **THE COUNTY IN WHICH THE OFFICE IS LOCATED.**

14 **(2) THE INSPECTOR GENERAL SHALL SUBMIT A WRITTEN**
15 **APPLICATION FOR THE APPROVAL SOUGHT UNDER PARAGRAPH (1) OF THIS**
16 **SUBSECTION.**

17 **(3) A CIRCUIT COURT SHALL ISSUE A WRITTEN DECISION ON AN**
18 **APPLICATION SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION WITHIN 72**
19 **HOURS AFTER THE RECEIPT OF THE APPLICATION.**

20 **(4) A SUBPOENA ISSUED BY THE INSPECTOR GENERAL UNDER THIS**
21 **SUBSECTION MAY BE SERVED IN THE SAME MANNER AS A SUBPOENA ISSUED BY A**
22 **CIRCUIT COURT.**

23 **(E) IF A PERSON REFUSES TO OBEY A SUBPOENA ISSUED BY THE INSPECTOR**
24 **GENERAL UNDER SUBSECTION (D) OF THIS SECTION, THE COURT THAT APPROVED**
25 **THE ISSUANCE OF THE SUBPOENA UNDER SUBSECTION (D) OF THIS SECTION MAY:**

26 **(1) ISSUE AN ORDER TO THE PERSON REQUIRING THE PERSON TO**
27 **APPEAR BEFORE THE COURT TO SHOW CAUSE; AND**

28 **(2) AFTER CONDUCTING A HEARING, GRANT APPROPRIATE RELIEF.**

29 **7.5-110.**

1 **(A) THE INSPECTOR GENERAL MAY ADOPT REGULATIONS TO CARRY OUT**
2 **THIS TITLE.**

3 **(B) THE INSPECTOR GENERAL SHALL:**

4 **(1) DEVELOP AN OPERATIONS MANUAL THAT CONFORMS TO THE**
5 **STANDARDS ADOPTED BY THE ASSOCIATION OF INSPECTORS GENERAL;**

6 **(2) MAKE THE OPERATIONS MANUAL AVAILABLE TO THE PUBLIC ON**
7 **THE OFFICE'S WEBSITE; AND**

8 **(3) PROVIDE TRAINING AND EDUCATION FOR THE UNITS.**

9 **7.5-111.**

10 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, RECORDS**
11 **PREPARED OR OBTAINED BY THE INSPECTOR GENERAL IN CONNECTION WITH AN**
12 **INVESTIGATION OR AUDIT CONDUCTED BY THE OFFICE ARE CONFIDENTIAL AND**
13 **NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT UNTIL THE**
14 **FINAL REPORT ON THE INVESTIGATION OR AUDIT IS ISSUED UNDER § 7.5-112(B) OF**
15 **THIS TITLE.**

16 **(B) IF AN INDIVIDUAL REQUESTS A PUBLIC RECORD UNDER THE PUBLIC**
17 **INFORMATION ACT AND THE ONLY COPY OF THE PUBLIC RECORD HAS BEEN**
18 **OBTAINED BY THE INSPECTOR GENERAL, THE CUSTODIAN OF THE PUBLIC RECORD**
19 **SHALL CERTIFY THAT THE INSPECTOR GENERAL IS IN POSSESSION OF THE ONLY**
20 **COPY OF THE RECORD AND THE INSPECTOR GENERAL SHALL ALLOW THE**
21 **INDIVIDUAL TO EXAMINE AND COPY THE RECORD.**

22 **(C) AN INDIVIDUAL WHO DISCLOSES A RECORD PROTECTED FROM**
23 **DISCLOSURE UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT**
24 **TO A FINE NOT TO EXCEED \$2,000 OR IMPRISONMENT NOT TO EXCEED 1 YEAR OR**
25 **BOTH.**

26 **7.5-112.**

27 **(A) (1) AT THE END OF EACH FISCAL YEAR, THE INSPECTOR GENERAL**
28 **SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH**
29 **§ 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY.**

30 **(2) THE ANNUAL REPORT SHALL:**

1 **(I) DESCRIBE THE BUSINESS AND PROCEEDINGS OF THE**
2 **OFFICE DURING THE PRECEDING FISCAL YEAR; AND**

3 **(II) INCLUDE ANY RECOMMENDATIONS REGARDING THE**
4 **ACTIVITIES OF THE UNITS THAT THE INSPECTOR GENERAL CONSIDERS**
5 **APPROPRIATE.**

6 **(B) (1) THE INSPECTOR GENERAL SHALL ISSUE A FINAL REPORT ON AN**
7 **INVESTIGATION OR AUDIT COMPLETED BY THE OFFICE.**

8 **(2) THE FINAL REPORT ISSUED UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION SHALL BE SUBMITTED TO THE GOVERNOR AND, IN ACCORDANCE WITH**
10 **§ 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY.**

11 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
12 **PARAGRAPH, BEFORE RELEASING A FINAL REPORT UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION, THE INSPECTOR GENERAL SHALL PROVIDE AN OPPORTUNITY FOR**
14 **THE UNIT THAT WAS THE SUBJECT OF THE INVESTIGATION OR AUDIT TO RESPOND**
15 **TO THE REPORT.**

16 **(II) THE INSPECTOR GENERAL IS NOT REQUIRED TO PROVIDE**
17 **AN OPPORTUNITY FOR RESPONSE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**
18 **IF THE INSPECTOR GENERAL, IN CONJUNCTION WITH A UNITED STATES ATTORNEY,**
19 **AN ATTORNEY GENERAL, A STATE'S ATTORNEY, OR ANY OTHER APPROPRIATE**
20 **PROSECUTORIAL AGENCY, DETERMINES THAT ALLOWING THE UNIT TO RESPOND**
21 **WOULD JEOPARDIZE A PENDING OR POTENTIAL CRIMINAL INVESTIGATION.**

22 **(C) A REPORT ISSUED UNDER SUBSECTION (A) OR (B) OF THIS SECTION**
23 **SHALL BE POSTED TO THE OFFICE'S WEBSITE.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may transfer
25 positions and funds appropriated for the positions from agencies, departments, or units of
26 the Executive Branch of State government to the Maryland Office of the Inspector General
27 established under Section 1 of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are
29 transferred to the Maryland Office of the Inspector General as a result of this Act shall be
30 transferred without diminution of their rights, benefits, employment, or retirement status.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2021.