

Chapter 690

(House Bill 874)

AN ACT concerning

Office of the Attorney General – ~~Environment~~ Environmental and Natural Resources ~~Monitoring Crimes~~ Unit – Establishment

FOR the purpose of establishing the ~~Environment~~ Environmental and Natural Resources ~~Monitoring Crimes~~ Unit of the Office of the Attorney General to investigate and prosecute cases against persons that violate State criminal environmental and natural resources laws and to assist the ~~Department of the Environment and the Department of Natural Resources in investigating or bringing a civil action regarding a violation of State civil environmental and natural resources laws;~~ and generally relating to the ~~Environment~~ Environmental and Natural Resources ~~Monitoring Crimes~~ Unit.

BY adding to

Article – State Government

Section 6-701 ~~and through 6-702~~ 6-703 to be under the new subtitle “Subtitle 7. ~~Environment~~ Environmental and Natural Resources ~~Monitoring Crimes~~ Unit”

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

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

Article – State Government

SUBTITLE 7. ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES ~~MONITORING CRIMES~~ UNIT.

6-701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “~~DIRECTOR~~ CHIEF COUNSEL” MEANS THE ~~DIRECTOR~~ CHIEF COUNSEL OF ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES ~~MONITORING CRIMES~~.

(C) “UNIT” MEANS THE ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES ~~MONITORING CRIMES~~ UNIT OF THE OFFICE OF THE ATTORNEY GENERAL.

6-702.

(A) (1) ~~THERE IS AN ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES MONITORING CRIMES UNIT OF THE OFFICE OF THE ATTORNEY GENERAL.

(2) THE FUNCTION OF THE UNIT IS TO:

(I) INVESTIGATE AND PROSECUTE CASES AGAINST PERSONS THAT VIOLATE STATE CRIMINAL ENVIRONMENTAL AND NATURAL RESOURCES LAWS; AND

(II) ~~ON REQUEST OF THE DEPARTMENT OF THE ENVIRONMENT OR THE DEPARTMENT OF NATURAL RESOURCES, ASSIST THE DEPARTMENT IN INVESTIGATING OR BRINGING A CIVIL ACTION REGARDING A VIOLATION OF THE CIVIL ENVIRONMENTAL OR NATURAL RESOURCES LAWS OF THE STATE~~ INVESTIGATE AND PROSECUTE ANY OTHER CRIMINAL OFFENSE DISCOVERED IN THE COURSE OF AN INVESTIGATION UNDER THIS SUBTITLE.

(3) IN CONDUCTING AN INVESTIGATION AND PROSECUTING CASES UNDER THIS SUBTITLE, THE UNIT MAY ACT WITH THE FULL POWERS, RIGHTS, PRIVILEGES, AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN ANY COUNTY.

(B) (1) THE UNIT SHALL INCLUDE:

(I) A FULL-TIME ~~DIRECTOR~~ CHIEF COUNSEL OF ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES MONITORING CRIMES; AND

(II) STAFF, INCLUDING ~~ENVIRONMENT AND NATURAL RESOURCES JUSTICE MONITORS AND ATTORNEYS SPECIALIZING IN ENVIRONMENTAL AND NATURAL RESOURCES LAW~~ ASSISTANT ATTORNEYS GENERAL, INVESTIGATORS, AND ADMINISTRATORS, AS PROVIDED IN THE STATE BUDGET.

(2) SALARIES OF THE ~~DIRECTOR~~ CHIEF COUNSEL, AND STAFF, ~~AND ENVIRONMENT AND NATURAL RESOURCES JUSTICE MONITORS~~ AND EXPENSES FOR RENT, TRAVEL, EQUIPMENT, SUPPLIES, AND GENERAL OPERATING EXPENSES NECESSARY FOR THE WORK OF THE UNIT SHALL BE AS PROVIDED IN THE STATE BUDGET.

(3) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES, QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS WITHIN THE UNIT.

(C) THE UNIT SHALL INVESTIGATE AND PROSECUTE THE STATE'S CRIMINAL ENVIRONMENTAL AND NATURAL RESOURCE LAWS.

~~(1) COOPERATE WITH STATE AND LOCAL LAW ENFORCEMENT OFFICIALS IN PROSECUTING POLLUTION CASES;~~

~~(2) PROVIDE ASSISTANCE TO VICTIMS OF POLLUTION CRIMES AND OTHER ENVIRONMENTAL CRIMES AND SUPPORT PROFESSIONALS WHO ASSIST THESE VICTIMS;~~

~~(3) PROSECUTE THE STATE'S CRIMINAL ENVIRONMENTAL AND NATURAL RESOURCES LAWS, INCLUDING BRINGING AND DEFENDING CASES UNDER WILDLIFE LAWS AND LAWS ASSOCIATED WITH THE MANAGEMENT OF PUBLIC LANDS AND NATURAL AND CULTURAL RESOURCES IN THE STATE;~~

~~(4) ON REQUEST OF THE DEPARTMENT OF THE ENVIRONMENT OR THE DEPARTMENT OF NATURAL RESOURCES, ASSIST THE DEPARTMENT IN INVESTIGATING OR BRINGING A CIVIL ACTION REGARDING A VIOLATION OF THE CIVIL ENVIRONMENTAL OR NATURAL RESOURCES LAWS OF THE STATE;~~

~~(5) ADVISE AND ASSIST THE ATTORNEY GENERAL, THE SECRETARY OF THE ENVIRONMENT, AND THE SECRETARY OF NATURAL RESOURCES ON ENVIRONMENTAL LEGAL AND POLICY QUESTIONS; AND~~

~~(6) WORK WITH NEIGHBORING STATES AND THE FEDERAL ENVIRONMENT AND NATURAL RESOURCES DIVISION OF THE U.S. DEPARTMENT OF JUSTICE TO ENSURE COMPLIANCE WITH STATE AND FEDERAL ENVIRONMENTAL AND NATURAL RESOURCES LAWS ACROSS STATE BOUNDARIES.~~

~~(D) AS APPROPRIATE, THE DIRECTOR SHALL SERVE AS THE ATTORNEY GENERAL'S DESIGNEE ON TASK FORCES AND COMMISSIONS RELATED TO ENVIRONMENT AND NATURAL RESOURCES POLICY.~~

~~(E)~~ (D) ON OR BEFORE NOVEMBER 30 EACH YEAR, THE UNIT ATTORNEY GENERAL SHALL REPORT TO THE ATTORNEY GENERAL, THE SECRETARY OF THE ENVIRONMENT, THE SECRETARY OF NATURAL RESOURCES, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON ALL THE ACTIVITIES OF THE UNIT AND ANY ACTIONS TAKEN BY THE DEPARTMENT OF

THE ENVIRONMENT OR THE DEPARTMENT OF NATURAL RESOURCES IN RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE UNIT.

6-703.

(A) (1) FOR THE LIMITED PURPOSE OF FURTHERING AN ONGOING CRIMINAL INVESTIGATION UNDER THIS SUBTITLE, THE ATTORNEY GENERAL OR A DEPUTY ATTORNEY GENERAL OR AN ASSISTANT ATTORNEY GENERAL DESIGNATED IN WRITING BY THE ATTORNEY GENERAL MAY ISSUE IN ANY COURT IN THE STATE A SUBPOENA TO A PERSON TO PRODUCE TELEPHONE, BUSINESS, GOVERNMENT, OR CORPORATE RECORDS OR DOCUMENTS.

(2) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE SERVED IN THE SAME MANNER AS A SUBPOENA ISSUED BY A CIRCUIT COURT.

(B) (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY CONTACT MADE UNDER SUBSECTION (A) OF THIS SECTION WITH THE ATTORNEY GENERAL OR AN AGENT OF THE ATTORNEY GENERAL.

(2) THE ATTORNEY GENERAL SHALL ADVISE A PERSON OF THE RIGHT TO COUNSEL WHEN THE SUBPOENA IS SERVED.

(C) (1) (I) IF A PERSON FAILS TO OBEY A LAWFULLY SERVED SUBPOENA UNDER SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL MAY REPORT THE FAILURE TO OBEY THE SUBPOENA TO THE CIRCUIT COURT WITH JURISDICTION OVER THE MATTER.

(II) THE ATTORNEY GENERAL SHALL PROVIDE A COPY OF THE SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

(2) AFTER CONDUCTING A HEARING AT WHICH THE PERSON THAT ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A) OF THIS SECTION HAS HAD AN OPPORTUNITY TO BE HEARD AND BE REPRESENTED BY COUNSEL, THE COURT MAY GRANT APPROPRIATE RELIEF.

(D) THIS SECTION DOES NOT ALLOW THE CONTRAVENTION, DENIAL, OR ABROGATION OF A PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 16, 2023.