

SB0290/823721/1

BY: Senator West

AMENDMENTS TO SENATE BILL 290, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike “**Office of the Attorney General –**”; strike beginning with “repealing” in line 5 down through “time;” in line 7; and in line 7, strike “authorizing the Attorney General” and substitute “establishing who has the authority”.

AMENDMENT NO. 2

On page 4 of the bill, in line 4, strike the bracket; in line 6, after “findings” insert “AND RECOMMENDED CHARGES”; in line 11, strike the first bracket; and in line 16, strike “(F)” and substitute “(H)”.

On page 5 of the bill, strike beginning with “EXCEPT” in line 13 down through “(2)” in line 19 and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF, AFTER RECEIVING THE REPORT AND RECOMMENDED CHARGES UNDER § 6–602(E) OF THIS SUBTITLE, THE STATE’S ATTORNEY OF THE COUNTY HAVING JURISDICTION TO PROSECUTE THE MATTER DETERMINES THAT AN INVESTIGATION CONDUCTED UNDER § 6–602 OF THIS SUBTITLE PROVIDES SUFFICIENT GROUNDS FOR THE PROSECUTION OF A CRIMINAL OFFENSE DISCOVERED IN THE COURSE OF THE INVESTIGATION, THE STATE’S ATTORNEY MAY PROSECUTE THE OFFENSE.”

(2) WITHIN 45 DAYS AFTER RECEIVING THE REPORT AND RECOMMENDED CHARGES, THE STATE’S ATTORNEY SHALL NOTIFY THE ATTORNEY GENERAL OF WHETHER THE STATE’S ATTORNEY INTENDS TO PROSECUTE THE CASE AND WHAT CHARGES, IF ANY, THE STATE’S ATTORNEY INTENDS TO PURSUE.

(3) IF THE STATE'S ATTORNEY DECLINES TO PROSECUTE THE CASE, THE STATE'S ATTORNEY SHALL SEND A COPY OF THE ENTIRE INVESTIGATORY FILE AND REFER THE CASE TO THE ATTORNEY GENERAL WITHIN 10 DAYS AFTER THE DECISION.

(B) IF THE ATTORNEY GENERAL DETERMINES THAT AN INVESTIGATION UNDER § 6-602 OF THIS SUBTITLE PROVIDES SUFFICIENT GROUNDS FOR THE PROSECUTION OF A CRIMINAL OFFENSE DISCOVERED IN THE COURSE OF THE INVESTIGATION, THE ATTORNEY GENERAL MAY PROSECUTE THE CASE IF:

(1) THE STATE'S ATTORNEY DECLINES TO PROSECUTE AND REFERS THE CASE TO THE ATTORNEY GENERAL; OR

(2) THE CHARGES PURSUED BY THE STATE'S ATTORNEY CARRY A LESSER MAXIMUM SENTENCE OF IMPRISONMENT THAN THE RECOMMENDED CHARGES PROVIDED UNDER § 6-602(E) OF THIS SUBTITLE.

(C) (1) IF THE ATTORNEY GENERAL INTENDS TO PROSECUTE THE CASE UNDER SUBSECTION (B)(2) OF THIS SECTION, THE ATTORNEY GENERAL SHALL NOTIFY THE STATE'S ATTORNEY OF THE DECISION.

(2) AFTER RECEIVING NOTIFICATION OF THE ATTORNEY GENERAL'S DECISION TO PROSECUTE THE CASE, THE STATE'S ATTORNEY SHALL, WITHIN 10 DAYS, SEND A COPY OF THE ENTIRE INVESTIGATORY FILE AND REFER THE CASE TO THE ATTORNEY GENERAL.

(D)";

and strike in their entirety lines 24 through 26, inclusive.

In the Judicial Proceedings Committee Amendments (SB0290/843722/1), in line 2 of Amendment No. 3, strike “**(F)**” and substitute “**(G)**”.