

SB0611/973422/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 611
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Environment**” and substitute “**Environmental**”; in line 3, strike “**Monitoring**” and substitute “**Crimes**”; in lines 4, 10, and 13, in each instance, strike “Environment” and substitute “**Environmental**”; in lines 4, 10, and 14, in each instance, strike “Monitoring” and substitute “**Crimes**”; strike beginning with the second “and” in line 6 down through “laws” in line 9; in line 13, strike the first “and” and substitute “**through**”; and in the same line, strike “6-702” and substitute “**6-703**”.

AMENDMENT NO. 2

On page 1, in line 20, strike “**ENVIRONMENT**” and substitute “**ENVIRONMENTAL**”; and in the same line, strike “**MONITORING**” and substitute “**CRIMES**”.

On page 2, in lines 1, 3, 6, and 17, in each instance, strike “**ENVIRONMENT**” and substitute “**ENVIRONMENTAL**”; in line 2, strike “**MONITORING**” and substitute “**CRIMES**”; in lines 4, 7, and 18, in each instance, strike “**MONITORING**” and substitute “**CRIMES**”; strike beginning with “**ON**” in line 12 down through “**STATE**” in line 15 and substitute “**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;

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strike beginning with “ENVIRONMENT” in line 19 down through “LAW” in line 21 and substitute “ASSISTANT ATTORNEYS GENERAL, INVESTIGATORS, AND ADMINISTRATORS”; in line 23, strike the first comma and substitute “AND”; in lines 23 and 24, strike “AND ENVIRONMENT AND NATURAL RESOURCES JUSTICE MONITORS”; in line 24, after “RENT,” insert “TRAVEL,”; and in line 31, strike the colon and substitute “INVESTIGATE AND PROSECUTE THE STATE’S CRIMINAL ENVIRONMENTAL AND NATURAL RESOURCE LAWS.”.

On page 3, strike in their entirety lines 1 through 23, inclusive; in line 24, strike “(E)” and substitute “(D)”; and after line 30, insert:

“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.”.