

HB0874/153925/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 874

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Wilkins**” and substitute “**Wilkins, Addison, Allen, Boyce, Foley, Guyton, Healey, Holmes, Lehman, J. Long, T. Morgan, Stein, and Terrasa**”; 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 lines 2, 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”;

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.”.**