

SB0290/283924/1

BY: Delegate Pippy

AMENDMENTS TO SENATE BILL 290
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Office of the Attorney General** –”; strike beginning with “repealing” in line 5 down through “time;” in line 7; in line 8, strike “Attorney General” and substitute “State Prosecutor”; and in line 10, after “Division” insert “and the State Prosecutor”.

On page 2, strike in their entirety lines 4 through 8, inclusive, and substitute:

“BY adding to
Article - Criminal Procedure
Section 14-109(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 4, in line 10, strike the bracket; strike beginning with “State’s” in line 12 down through “matter” in line 13 and substitute “**STATE PROSECUTOR**”; in line 17, strike the first bracket; in line 22, strike “**(F)**” and substitute “**(G)**”; and in line 30, strike “(g)” and substitute “**(H)**”.

On pages 5 and 6, strike in their entirety the lines beginning with line 25 on page 5 through line 5 on page 6, inclusive, and substitute:

“**Article – Criminal Procedure**

14–109.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF THE STATE PROSECUTOR DETERMINES THAT AN INVESTIGATION CONDUCTED UNDER § 6-602 OF THE STATE GOVERNMENT ARTICLE PROVIDES SUFFICIENT GROUNDS FOR THE PROSECUTION OF A CRIMINAL OFFENSE DISCOVERED IN THE COURSE OF THE INVESTIGATION, THE STATE PROSECUTOR SHALL HAVE EXCLUSIVE AUTHORITY TO PROSECUTE THE OFFENSE.

(2) THE STATE PROSECUTOR, IN THE STATE PROSECUTOR'S DISCRETION, MAY PROSECUTE A POLICE-INVOLVED INCIDENT NOT OTHERWISE WITHIN THE INVESTIGATIVE JURISDICTION OF THE INDEPENDENT INVESTIGATIONS DIVISION UNDER § 6-602(C) OF THE STATE GOVERNMENT ARTICLE IF THE INCIDENT IS REFERRED BY A STATE'S ATTORNEY TO THE STATE PROSECUTOR FOR PROSECUTION.

(3) A STATE'S ATTORNEY MAY PROSECUTE A CRIMINAL OFFENSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE STATE PROSECUTOR REQUESTS THAT THE STATE'S ATTORNEY PROSECUTE THE OFFENSE."