

HOUSE BILL 813

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5lr0711

By: **Delegates A. Washington, Morales, D. Barnes, Carter, Conaway, Patterson, Smith, and Sydnor**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **State Prosecutor – Law Enforcement Officer–Involved Deaths**

3 FOR the purpose of requiring the State Prosecutor to investigate a criminal offense related
4 to the death of an individual resulting directly or indirectly from an act or omission
5 of a law enforcement officer under certain circumstances; and generally relating to
6 the State Prosecutor.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Procedure

9 Section 14–107(a)

10 Annotated Code of Maryland

11 (2008 Replacement Volume and 2014 Supplement)

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

14 **Article – Criminal Procedure**

15 14–107.

16 (a) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this
17 subsection, the State Prosecutor may investigate:

18 (i) a criminal offense under the State election laws;

19 (ii) a criminal offense under the State Public Ethics Law;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) a violation of the State bribery laws in which an official or
2 employee of the State, a political subdivision of the State, or a bicounty or multicounty unit
3 of the State was the offeror, offeree, or intended offeror or offeree of a bribe;

4 (iv) an offense constituting criminal malfeasance, misfeasance, or
5 nonfeasance in office committed by an officer or employee of the State, of a political
6 subdivision of the State, or of a bicounty or multicounty unit of the State;

7 (v) a violation of the State extortion, perjury, or obstruction of justice
8 laws related to an activity described in this paragraph; and

9 (vi) a criminal offense related to voting in a municipal election under
10 § 4–108.1 of the Local Government Article.

11 **(2) THE STATE PROSECUTOR SHALL INVESTIGATE A CRIMINAL**
12 **OFFENSE RELATED TO THE DEATH OF AN INDIVIDUAL RESULTING DIRECTLY OR**
13 **INDIRECTLY FROM AN ACT OR OMISSION OF A LAW ENFORCEMENT OFFICER WHILE**
14 **THE LAW ENFORCEMENT OFFICER IS ON DUTY OR WHILE THE LAW ENFORCEMENT**
15 **OFFICER IS OFF DUTY BUT PERFORMING ACTIVITIES WITHIN THE SCOPE OF THE**
16 **OFFICER’S OFFICIAL DUTIES.**

17 **[(2)] (3)** The State Prosecutor may not investigate an offense alleged to
18 have been committed by the State Prosecutor or a member of the State Prosecutor’s staff.

19 **[(3)] (4)** The State Prosecutor may investigate an alleged offense under
20 paragraph (1) of this subsection on the State Prosecutor’s own initiative or on request of:

21 (i) the Governor;

22 (ii) the Attorney General;

23 (iii) the General Assembly;

24 (iv) the State Ethics Commission; or

25 (v) a State’s Attorney.

26 **[(4)] (5)** An individual who is advised by the State Prosecutor that the
27 individual is under investigation under paragraph (1)(iv) of this subsection may release
28 this information to the public, as well as any results of the investigation that pertain to the
29 individual.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2015.