

# HOUSE BILL 438

E2

5lr0851

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By: **Delegate Rosenberg**

Introduced and read first time: February 9, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – State Prosecutor – Use of Force by Law Enforcement**  
3 **Officer**

4 FOR the purpose of authorizing the State Prosecutor to investigate the death or serious  
5 bodily injury of a person caused by the use of force by a State or local law enforcement  
6 officer; and generally relating to 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 (2) of this subsection, the State  
17 Prosecutor may investigate:

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (vi) a criminal offense related to voting in a municipal election under  
7 § 4-108.1 of the Local Government Article; AND

8 **(VII) A DEATH OR SERIOUS BODILY INJURY CAUSED BY THE USE**  
9 **OF FORCE BY A STATE OR LOCAL LAW ENFORCEMENT OFFICER.**

10 (2) The State Prosecutor may not investigate an offense alleged to have  
11 been committed by the State Prosecutor or a member of the State Prosecutor's staff.

12 (3) The State Prosecutor may investigate an alleged offense under  
13 paragraph (1) of this subsection on the State Prosecutor's own initiative or on request of:

14 (i) the Governor;

15 (ii) the Attorney General;

16 (iii) the General Assembly;

17 (iv) the State Ethics Commission; or

18 (v) a State's Attorney.

19 (4) An individual who is advised by the State Prosecutor that the  
20 individual is under investigation under paragraph (1)(iv) of this subsection may release  
21 this information to the public, as well as any results of the investigation that pertain to the  
22 individual.

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