

be made to that State's Attorney. If the State's Attorney, within forty-five days after receipt of the State Prosecutor's findings and recommendations, fails to file charges and commence prosecution in accordance with the recommendations, the State Prosecutor may prosecute these criminal offenses. However, the State Prosecutor may immediately prosecute criminal offenses set forth in his report if alleged to have been committed by the State's Attorney having jurisdiction over the matter.

If the State Prosecutor finds that no violations of criminal law have occurred or he does not recommend prosecution, he shall report his findings to the person requesting the investigation. At the request of the person who was the subject of the investigation, the State Prosecutor's report may be made available to the public as soon as possible.

The State Prosecutor shall meet and confer regularly with the Attorney General and the various State's Attorneys. To the extent practicable, the State Prosecutor shall utilize the services and personnel of the Office of the Attorney General, the Maryland State Police, and other established State and law-enforcement agencies. These agencies shall, to the extent feasible, cooperate with the State Prosecutor (Code 1957, Art. 10, secs. 33A, 33B, 33C; Chapters 499 and 630, Acts of 1977).

STATE PROSECUTOR SELECTION AND DISABILITIES COMMISSION

Chairperson: H. Vernon Eney, 1980

Ms. Dale E. Balfour, 1979; Sandra A. O'Connor, 1979; Joseph Ernest Bell II, 1980; Dr. Aris T. Allen, 1981; James S. McAuliffe, Jr., 1981; Stephen H. Sachs, *ex officio*

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The State Prosecutor Selection and Disabilities Commission was created in May 1977 pursuant to Section 2 of Chapter 612, Acts of 1976.

The Commission consists of the Attorney General, who serves as an *ex officio* but voting member, and six persons appointed by the Governor. Of the appointed members, two persons (only one of whom shall be a lawyer) are selected from among two or more nominees submitted by the President of the Senate, and two persons (only one of whom shall be a lawyer) are selected from among two or more nominees submitted by

the Speaker of the House of Delegates. These persons may not be members of the General Assembly or full-time State employees. One person is selected from among one or more nominees submitted by the Board of Governors of the Maryland State Bar Association, Inc. One person is selected from among one or more nominees submitted by the Governing Board of the Maryland State's Attorneys' Association, Inc. This person shall be an incumbent State's Attorney at the time of appointment and throughout the term of service on the Commission. The Governor designates one member as chairperson. Of the initial appointees two serve for four years, two serve for three years, and two serve for two years. Members are eligible for reappointment.

Upon notification by the Governor that a vacancy exists or is about to occur in the office of the State Prosecutor, the Commission seeks and reviews applications of proposed nominees for the position, notifies the Maryland State Bar Association, Inc., of the vacancy, and requests recommendations of the Association and others, interviews and evaluates each eligible applicant, and selects and nominates to the Governor the name of the person or persons it finds to be legally and professionally qualified. The Commission reports to the Governor in writing within seventy days after notification that a vacancy exists or is about to occur. The Governor exercises his power of appointment or rejection within thirty days of receipt of the Commission's report.

The Commission may reprimand or recommend to the Governor the removal from office of the State Prosecutor if after a hearing it finds that he is guilty of misconduct in office, fails to perform the duties of his office, or if his conduct is prejudicial to the proper administration of justice. In addition, the Commission is empowered to investigate allegations made against the State Prosecutor which, if true, may warrant his removal or discipline, upon complaint or upon its own motion. In this regard, the Commission may conduct hearings, administer oaths and affirmations, issue process to compel attendance of witnesses and the production of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution, penalty, or forfeiture.

STATE'S ATTORNEYS' COORDINATOR

STATE'S ATTORNEYS' COORDINATION COUNCIL

Chairperson: Sandra A. O'Connor, *State's Attorney for Baltimore County*