

The State Prosecutor may, on his own initiative, or at the request of the Governor, the General Assembly, the Attorney General, or a State's Attorney, investigate criminal offenses under the State election laws and under the State Public Ethics Law. He may investigate violations of the State bribery laws in which an official or employee of the State or of a political subdivision of the State or of any bicounty or multi-county agency of the State was the offeror or offeree, or intended offeror or offeree, of a bribe; offenses constituting criminal malfeasance, misfeasance, or non-feasance in office committed by an officer or employee of the State or of a political subdivision of the State or of any bicounty or multi-county agency of the State; and violations of the State extortion, perjury, and obstruction of justice laws related to any activity described above. Furthermore, at the request of either the Governor, Attorney General, General Assembly, or a State's Attorney, the State Prosecutor may investigate criminal activity conducted or committed partly in this State and partly in another jurisdiction, or which is conducted or committed in more than one political subdivision of the State.

If the State Prosecutor finds an alleged violation, he shall make a confidential report of his findings, together with any recommendations for prosecution, to the Attorney General and the State's Attorney having jurisdiction to prosecute the matter. However, a report and recommendations containing allegations of an offense committed by a State's Attorney need not 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 use 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.

The State Prosecutor is nominated by the State Prosecutor Selection and Disabilities Commission and appointed by the Governor with the advice and consent of the Senate for a term of six years (Code 1957, Art. 10, secs. 33A, 33B, 33C; Chapters 499 and 630, Acts of 1978; Chapter 513, sec. 1, Acts of 1979).

## **STATE PROSECUTOR SELECTION AND DISABILITIES COMMISSION**

*Chairperson:* Eugene M. Feinblatt, 1984

Priscilla Hart, 1982; Sandra A. O'Connor, 1982; Joseph Ernest Bell II, 1983; Morris M. Pallozzi, 1985; Barry Gold, 1985; Stephen H. Sachs, *Attorney General*, 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.

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. The Commission 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