

the State's Attorney for each county and the City of Baltimore under certain circumstances; and generally relating to prosecution of water pollution violations.

BY repealing and reenacting, with amendments,

Article - Health - Environmental
Section 9-344
Annotated Code of Maryland
(1982 Volume and 1985 Supplement)

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

Article - Health - Environmental

9-344.

† (A) The}--(A)--EXCEPT--AS--OTHERWISE--PROVIDED--IN--THIS SECTION,--THE Attorney General shall take charge of, prosecute, and defend on behalf of this State every case arising under the provisions of this subtitle, including the recovery of penalties.

†B)--(1)--IF--THE--ATTORNEY--GENERAL--INVESTIGATES--AND--DECLINES TO--PROSECUTE--AN--ALLEGED--VIOLATION--ARISING--UNDER--THE--PROVISIONS--OF THIS--SUBTITLE,--THE--ATTORNEY--GENERAL--SHALL--MAKE--A--FULL--AND CONFIDENTIAL--REPORT--OF--THE--FINDINGS--TOGETHER--WITH--ANY RECOMMENDATIONS--FOR--PROSECUTION--TO--THE--STATE'S--ATTORNEY--OF--THE COUNTY--WHERE--THE--ALLEGED--VIOLATION--OCCURRED.

†2)--WITHIN--45--DAYS--OF--THE--DECISION--OF--THE--ATTORNEY GENERAL--TO--DECLINE--PROSECUTION,--THE--STATE'S--ATTORNEY--OF--THE COUNTY--WHERE--THE--ALLEGED--VIOLATION--OCCURRED--MAY--TAKE--CHARGE--OF, PROSECUTE,--AND--DEFEND--ON--BEHALF--OF--THE--STATE--THE--CASE--ARISING UNDER--THE--PROVISIONS--OF--THIS--SUBTITLE,--INCLUDING--THE--RECOVERY--OF PENALTIES.

(B) THE PROVISIONS OF THIS SECTION MAY NOT LIMIT OR AFFECT THE POWER OR AUTHORITY OF THE STATE'S ATTORNEY FOR EACH COUNTY AND THE CITY OF BALTIMORE UNDER ARTICLE 10, § 34 OF THE CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 27, 1986.
