

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 12H(c)(2) and (3).

In items (1), (2), and (3)(ii) of this section, the reference to a "prosecutor" is substituted for the former references to a "prosecuting authority" and "prosecutorial agency", for clarity and brevity.

In item (3)(iii) of this section, the standard term "counsel" is substituted for the former reference to "legal representation" for clarity.

The State Personnel Article Review Committee notes, for consideration by the General Assembly, that items (3)(iii) and (iv) seem to be overly specific for purposes of a general notice that the matter has been referred to a prosecutor. It may be more appropriate for the prosecutor to provide the warnings in question. Accordingly, the General Assembly may wish to delete these specific requirements from this section.

Defined term: "Secretary" § 1-101

3-310. DISCLOSURE OF PROTECTED INFORMATION TO ATTORNEY GENERAL.

FOR PURPOSES OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL:

(1) DESIGNATE AN ASSISTANT ATTORNEY GENERAL TO RECEIVE FROM APPLICANTS AND EMPLOYEES ANY INFORMATION THE DISCLOSURE OF WHICH IS OTHERWISE PROTECTED BY LAW;

(2) INVESTIGATE EACH ALLEGATION OF ILLEGALITY OR IMPROPRIETY;

(3) TAKE APPROPRIATE LEGAL ACTION; AND

(4) AFTER THE INVESTIGATION, SUBMIT A CONFIDENTIAL REPORT TO THE GOVERNOR THAT DESCRIBES THE CONTENT OF THE DISCLOSURE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 12J.

In item (1) of this section, the reference to "applicants" is added to conform to the broader scope of former Art. 64A, § 12G(b) – now § 3-304(b) of this subtitle, which prohibits reprisals against both employees and applicants who disclose information under this subtitle.

Also in item (1) of this section, the reference to information "the disclosure of which is otherwise protected by law" is substituted for the former description of "information the privacy or confidentiality of which is protected pursuant to Title 10, Subtitle 6 of the State Government Article", to conform to the broader reference in former Art. 64A, § 12G(b), revised in § 3-304(b) of this subtitle.