

[(7)](8) "Statement of charges" means a charging document, other than a citation, filed in District Court by a peace officer, a District Court Judge, or a District Court Commissioner.

[(8)](9) "Law enforcement officer" means a law enforcement officer as defined in Article 27, § 727(b) of the Code or any federal law enforcement officer who exercises the powers set forth in Article 27, § 594B(h) of the Code.

(b) An application filed in the District Court that requests that a statement of charges be filed against a law enforcement officer OR AN EDUCATOR for an offense allegedly committed in the course of executing the [officer's law enforcement] duties OF THE LAW ENFORCEMENT OFFICER OR EDUCATOR shall immediately be forwarded to the State's Attorney.

(c) (1) Upon receiving an application filed in District Court requesting that a statement of charges be filed against a law enforcement officer OR AN EDUCATOR, the State's Attorney shall:

(i) Investigate the circumstances of the matter; and

(ii) Make a recommendation to the District Court Commissioner as to whether a statement of charges should be filed against the law enforcement officer OR THE EDUCATOR.

(2) If the State's Attorney recommends to a District Court Commissioner that a statement of charges be filed against a law enforcement officer OR AN EDUCATOR, the State's Attorney shall also make a recommendation as to whether a summons or warrant should issue.

(d) Notwithstanding any other provision of the Code or the Maryland Rules, a statement of charges for an offense allegedly committed in the course of executing the [officer's law enforcement] duties OF THE LAW ENFORCEMENT OFFICER OR THE EDUCATOR may not be filed against a law enforcement officer OR EDUCATOR until the State's Attorney has investigated the circumstances of the matter and made recommendations to the District Court Commissioner in accordance with subsection (c) of this section.

(e) This section may not be construed to preclude the State's Attorney from making a determination that an information should be filed against a law enforcement officer or AN EDUCATOR OR that a grand jury should be convened to determine whether an indictment should be filed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 18, 1995.