

(1) IF THE STATE PROSECUTOR FINDS THAT NO VIOLATIONS OF CRIMINAL LAW HAVE OCCURRED OR THE STATE PROSECUTOR DOES NOT RECOMMEND PROSECUTION, THE STATE PROSECUTOR SHALL REPORT THE FINDINGS TO THE PERSON REQUESTING THE INVESTIGATION.

(2) IF THE GENERAL ASSEMBLY REQUESTED THE INVESTIGATION, THE REPORT SHALL BE MADE TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES.

(3) AT THE REQUEST OF THE PERSON WHO WAS THE SUBJECT OF THE INVESTIGATION, THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC AS SOON AS POSSIBLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 10, § 33B(d) and (f).

9-1205. PROSECUTIONS.

(A) IN GENERAL.

(1) IF WITHIN 45 DAYS AFTER RECEIPT OF THE STATE PROSECUTOR'S FINDINGS AND RECOMMENDATIONS THE STATE'S ATTORNEY FAILS TO FILE CHARGES AND COMMENCE PROSECUTION IN ACCORDANCE WITH THE RECOMMENDATIONS, THE STATE PROSECUTOR MAY PROSECUTE THOSE CRIMINAL OFFENSES AS SET FORTH IN THE INVESTIGATIVE REPORT AND RECOMMENDATIONS.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE STATE PROSECUTOR MAY IMMEDIATELY PROSECUTE CRIMINAL OFFENSES SET FORTH IN THE INVESTIGATIVE REPORT AND RECOMMENDATIONS IF ALLEGED TO HAVE BEEN COMMITTED BY THE STATE'S ATTORNEY HAVING JURISDICTION OVER THE MATTER.

(B) APPEALS AND POST CONVICTION PROCEEDINGS.

(1) THE STATE PROSECUTOR SHALL REPRESENT THE STATE IN ALL APPEALS AND POST CONVICTION PROCEEDINGS ARISING FROM PROSECUTIONS CONDUCTED BY THE STATE PROSECUTOR.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY REPRESENT THE STATE OR ASSIST THE STATE PROSECUTOR ON THE REQUEST OF THE STATE PROSECUTOR OR AS REQUIRED BY LAW IN ANY APPEAL OR COLLATERAL PROCEEDING DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 10, § 33B(e) and (l).

9-1206. POWERS AND DUTIES FOR INVESTIGATIONS AND PROSECUTIONS.

IN THE INVESTIGATION OF ANY CASE AS PROVIDED IN § 9-1203 OF THIS SUBTITLE OR THE PROSECUTION OF ANY CASE AS PROVIDED IN § 9-1205 OF THIS