

17-104. DUTY OF STATE'S ATTORNEY; MANDAMUS; PENALTY.

(A) INQUIRY.

WHENEVER A STATE'S ATTORNEY FOR A COUNTY IS INFORMED THAT AN INDIVIDUAL HAS BEEN COMMISSIONED IN THAT COUNTY AND THAT AT THE TIME OF THE ELECTION OR APPOINTMENT OF THE INDIVIDUAL TO OFFICE THE INDIVIDUAL WAS IN DEFAULT TO THE TREASURY OF THE STATE FOR NOT ACCOUNTING FOR AND PAYING OVER TO THE TREASURY OF THE STATE ANY MONEY, THE STATE'S ATTORNEY SHALL REQUEST THE STATE COMPTROLLER TO PROVIDE A STATEMENT OF THE ACCOUNT OF THE INDIVIDUAL.

(B) INSTITUTION OF PROCEEDINGS.

IF THE COMPTROLLER CERTIFIES THAT THE INDIVIDUAL IS IN DEFAULT, THE STATE'S ATTORNEY SHALL INITIATE THE MANDAMUS PROCEEDING AUTHORIZED BY § 17-103 OF THIS TITLE.

(C) PENALTY.

A STATE'S ATTORNEY WHO FAILS TO COMPLY WITH THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE REMOVED FROM OFFICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 69, § 4.

In subsection (a) of this section, the former reference to "City of Baltimore" is deleted as unnecessary in light of Art. 1, § 14(a) of the Code, which specifies that the word "county" shall be construed to include the City of Baltimore, unless this construction would be unreasonable.

17-105. CONSTRUCTION OF TITLE.

NOTHING IN THIS TITLE INVALIDATES AN ACT DONE BY AN OFFICER WITHIN THE SCOPE OF THE OFFICER'S AUTHORITY AS LONG AS THE COMMISSION IS UNANNULLED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 69, § 6.

Because this section is open to different and equally plausible interpretations, it has intentionally been left ambiguous.

17-106. POSTMASTERS AND UNITED STATES MARSHALS NOT TO HOLD STATE OFFICE.

(A) PROHIBITION.

A POSTMASTER, A DEPUTY OF A POSTMASTER, A UNITED STATES MARSHAL, OR A DEPUTY OF A UNITED STATES MARSHAL MAY NOT HOLD ANY STATE OFFICE OR EXERCISE ANY FUNCTION OF ANY OFFICER OF THE STATE.

(B) PENALTY.