

4-302.

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

May 21, 2003

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 122 – Procurement – Debarment – Violations of Law.

Senate Bill 122 would allow the Board of Public Works (BPW) to debar a person from entering into a contract with the State if, within the preceding five years, the person has been convicted of criminal violations or has been found to have committed civil violations of federal, Maryland or a contiguous jurisdiction's labor, civil rights, or environmental protection laws. Moreover, the bill would allow the BPW to debar a person who has committed multiple violations of any federal, Maryland, or a contiguous jurisdiction's labor, civil rights, or environmental protection laws and been subject to multiple separate and distinct findings of civil liability in Maryland or a contiguous jurisdiction.

Under current law, a person may be debarred from entering into a contract with the State on several grounds, including operating in a manner designed to evade or defeat the purpose of the State Finance and Procurement Article. A person may also be debarred from entering into a contract with the State for any cause the BPW determines to be so serious as to affect the integrity of the procurement process. While the proponents of this legislation allege that its enactment would help contracting agencies identify violators and ensure enforcement of the law, I am not persuaded.

I believe that the approval of Senate Bill 122 would have a chilling effect on the companies wishing to do business with the State, particularly in light of the fact that