

Attorney General must certify that the applicant retained counsel and that the applicant notified the Attorney General that the applicant retained counsel. Further, after reviewing the evidence and other information, the Attorney General must find that in connection with a matter under criminal investigation that the applicant acted in good faith, did not engage in unlawful conduct, and the counsel fees incurred were reasonable.

I find it appropriate that the Attorney General, who has received notice of the case and thus been able to follow and investigate the case, should be required to make the findings described above before the Board of Public Works pays counsel fees. To allow an applicant to circumvent this process is not good public policy. This would require the Board in every case to conduct its own investigation of these cases, essentially duplicating what the law now provides. This is not an efficient use of resources.

For the above stated reasons, I have vetoed House Bill 879.

Sincerely,
Robert L. Ehrlich, Jr.
Governor

House Bill No. 879

AN ACT concerning

State Government - State Law Enforcement Officers - Application for Lost Pay and Attorneys' Fees

FOR the purpose of eliminating a requirement to have the Attorney General or the Attorney General's designee make a determination of the applicant's good faith under certain circumstances; requiring the Board of Public Works to reimburse certain State law enforcement officers that have applied for lost back pay and reasonable attorneys' fees after having been investigated for or charged with criminal charges under certain circumstances, if the investigation has concluded and criminal charges have not been filed against the officer or if certain final dispositions of all of the charges occur; eliminating a requirement to have the Attorney General or the Attorney General's designee make a determination of the applicant's good faith under certain circumstances; requiring authorizing the Board of Public Works to approve payment of lost wages and reasonable attorneys' fees resulting from a certain suspension without pay to an applicant from a State law enforcement agency under certain circumstances; prohibiting the Board from approving certain payments under certain circumstances; providing for the application of this Act; and generally relating to an application to the Board by a State law enforcement officer for lost back pay or reasonable attorneys' fees under certain circumstances.

BY repealing and reenacting, without amendments,

Article - Public Safety

Section 3-112(c)

Annotated Code of Maryland