

In subsection (d)(2) of this section, the defined term "person" is substituted for the former word "individual", for conformity to subsection (d)(1) of this section.

Also in subsection (d)(2) of this section, the former word "punishment" is deleted as implied in the word "prosecution".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that Chs. 288 and 289, Acts of 1989, eliminate transactional immunity for witnesses in drug, bribery, and other criminal prosecutions and extend use and derivative use immunity to witnesses in all criminal proceedings before a grand jury in the State. In light of these Acts, the General Assembly may wish to review this section.

Defined terms: "County" § 1-101

"Person" § 1-101 "Secretary" § 8-101

8-307. LEGAL REPRESENTATION.

(A) CIVIL ACTION.

IN A CIVIL ACTION TO ENFORCE THIS TITLE, THE SECRETARY OR BOARD OF APPEALS AND THE STATE MAY BE REPRESENTED BY:

(1) THE ATTORNEY GENERAL; OR

(2) ANY QUALIFIED ATTORNEY WHO:

(I) IS A SALARIED EMPLOYEE OF THE SECRETARY OR BOARD OF APPEALS; AND

(II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS DESIGNATED TO REPRESENT THE SECRETARY OR BOARD OF APPEALS AND THE STATE.

(B) PROSECUTION OF CRIMINAL VIOLATIONS.

A CRIMINAL ACTION FOR VIOLATION OF ANY PROVISION OF THIS TITLE OR REGULATION ADOPTED UNDER THIS TITLE SHALL BE PROSECUTED BY THE STATE'S ATTORNEY OF THE COUNTY IN WHICH:

(1) THE EMPLOYER HAS A PLACE OF BUSINESS;

(2) THE VIOLATOR RESIDES; OR

(3) THE VIOLATOR HAS FILED FOR BENEFITS TO WHICH THE VIOLATOR WAS NOT ENTITLED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 18 and the second sentence of § 11(a)(1).

In item (2)(i) of this section, the former word "regular" is deleted as unnecessary in light of the word "salaried".