

In the introductory language of subsection (a) of this section, the reference to the "position of" State Prosecutor is substituted for the former reference to the "Office of the" State Prosecutor for clarity.

In subsection (b)(2) of this section, the former reference to the "entire" authorized membership is deleted as surplusage.

In subsection (d)(3) of this section, the former reference to "secret" is deleted as implicit in the references to "confidential" and "privileged".

Also in subsection (d)(3) of this section, the former reference to the "nominating" Commission is deleted as surplusage.

The Criminal Procedure Article Additions Review Committee notes, for consideration by the General Assembly, that subsection (d)(3) of this section appears to be inconsistent with subsection (d)(4). Subsection (d)(3) states that a rejection statement "shall be confidential and privileged, unless the privilege is deemed waived by the Commission by the acts of the nominee in presenting to the public the reason for rejection". Subsection (d)(4), however, states without qualification that the Commission "may make the statement public".

Defined term: "Commission" § 14-101

14-105. REPRIMAND OR REMOVAL.

(A) AUTHORITY OF COMMISSION.

THE COMMISSION MAY REPRIMAND OR RECOMMEND TO THE GOVERNOR THE REMOVAL OF THE STATE PROSECUTOR IF, AFTER A HEARING, THE COMMISSION FINDS THAT THE STATE PROSECUTOR IS GUILTY OF:

(1) MISCONDUCT IN OFFICE;

(2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE OFFICE; OR

(3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE.

(B) CONFIDENTIAL AND PRIVILEGED PROCEEDINGS AND EVIDENCE.