

In subsection (a)(4) of this section, the references to an "individual" are substituted for the former references to a "person" to reflect that the provision relating to an "offense constituting criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer or employee" would apply only to human beings and not to the other entities listed in the definition of "person".

In subsection (b) of this section, the former reference to "conducted" is deleted as implicit in the term "committed".

The Criminal Procedure Article Additions Review Committee notes, for consideration by the General Assembly, that subsection (a)(1)(iv) of this section refers to "criminal malfeasance, misfeasance, or nonfeasance in office committed by an ... employee of the State". An employee, however, is not an officer and thus cannot commit any of those crimes "in office".

14-108. REPORTS.

(A) REPORT OF ALLEGED VIOLATIONS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE STATE PROSECUTOR FINDS THAT AN ALLEGED VIOLATION OF THE CRIMINAL LAW SET FORTH IN § 14-107 OF THIS TITLE HAS OCCURRED, THE STATE PROSECUTOR SHALL MAKE A CONFIDENTIAL REPORT OF THE FINDINGS AND ANY RECOMMENDATIONS FOR PROSECUTION TO THE ATTORNEY GENERAL AND THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH JURISDICTION EXISTS TO PROSECUTE THE MATTER.

(2) A REPORT OF THE FINDINGS AND RECOMMENDATIONS REGARDING ALLEGATIONS OF OFFENSES COMMITTED BY A STATE'S ATTORNEY NEED NOT BE MADE TO THAT STATE'S ATTORNEY.

(B) REPORT OF NO VIOLATION OR NO RECOMMENDATION FOR PROSECUTION.

(1) IF THE STATE PROSECUTOR FINDS THAT THERE HAS NOT BEEN A VIOLATION OF CRIMINAL LAW OR THE STATE PROSECUTOR DOES NOT RECOMMEND PROSECUTION, THE STATE PROSECUTOR SHALL REPORT THE FINDINGS TO THE PERSON WHO REQUESTED THE INVESTIGATION.