

The State Prosecutor may investigate on his own initiative, or at the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, or a State's Attorney, the following criminal offenses: 1) State election law violations; 2) State public ethics law violations; 3) State bribery law violations involving public officials or employees; 4) misconduct in office by public officials or employees; and 5) extortion, perjury, or obstruction of justice related to any of the above.

At the request of the Governor, Attorney General, General Assembly, or a State's Attorney, the State Prosecutor also may investigate criminal activity conducted partly in Maryland and partly in another jurisdiction, or in more than one political subdivision of the State.

If the State Prosecutor finds that an alleged violation of the criminal law set forth above has occurred, he makes a confidential report of his findings, with recommendations for prosecution, to the Attorney General and the State's Attorney having jurisdiction to prosecute the matter. The State Prosecutor need not make such a report to the State's Attorney, however, if the State Prosecutor's findings and recommendations contain allegations of offenses committed by the State's Attorney. If the State's Attorney to whom the report is rendered fails to file charges within 45 days in accordance with the State Prosecutor's recommendations, the State Prosecutor may prosecute such offenses. The State Prosecutor may immediately prosecute offenses set forth in his report and recommendations if they are alleged to have been committed by a State's Attorney.

If the State Prosecutor finds that no violation of the criminal law has occurred or does not recommend prosecution, he reports his findings to the person requesting the investigation. The report is made available to the public if the subject of the investigation so requests.

In investigating and prosecuting cases in which he is authorized to act, the State Prosecutor has all the powers and duties of a State's Attorney.

The State Prosecutor is nominated by the State Prosecutor Selection and Disabilities Commission and appointed by the Governor for a term of six years (Code 1957, Art. 10, secs. 33A—33C).

STATE PROSECUTOR SELECTION & DISABILITIES COMMISSION

Eugene M. Feinblatt, *Chairperson*, 1988

Appointed by Governor (who also designates chair): Russell T. Baker, Jr., 1988; Charles Cahn II, 1989; Barry A. Gold, 1989; Barbara Sue Liebman; one vacancy.

Ex officio: J. Joseph Curran, Jr., Attorney General

233 E. Redwood St.
Baltimore, MD 21202

576-4211

The State Prosecutor Selection and Disabilities Commission was created by Chapter 612, Acts of 1976 which took effect on January 1, 1977.

When the Governor notifies the Commission that a vacancy exists or is about to occur in the office of the State Prosecutor, it seeks and reviews applications of proposed nominees for the position. The Commission interviews and evaluates eligible applicants and reports in writing to the Governor (within seventy days after notification) the name of the person or persons it finds to be legally and professionally qualified. The Governor exercises the power of appointment or rejection within thirty days of receiving the Commission's report.

If, after a hearing, the Commission finds the State Prosecutor guilty of misconduct in office, persistent failure to perform the duties of the office, or conduct prejudicial to the proper administration of justice, the Commission may reprimand the State Prosecutor or recommend to the Governor the removal from office of the State Prosecutor. The Commission also is empowered to investigate allegations made against the State Prosecutor which, if true, may warrant removal or discipline. In this regard, the Commission may conduct hearings, administer oaths and affirmations, issue process to compel attendance of witnesses and the production of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution, penalty, or forfeiture.

The Commission is comprised of seven members. The Attorney General serves as an ex officio but voting member, and six members are appointed by the Governor. Of those appointed, two persons (only one of whom may be a lawyer) are selected from nominees submitted by the Senate President, and two persons (only one of whom may be a lawyer) are selected from nominees submitted by the Speaker of the House of Delegates. These persons may not be members of the General Assembly or full-time State employees. One person is selected from nominees submitted by the Board of Governors of the Maryland State Bar Association. This person must be a lawyer admitted to practice law in Maryland. One person is selected from nominees submitted by the Governing Board of the Maryland State's Attorneys' Association. That person must be an incumbent State's Attorney at the time of appointment and throughout the term of service on the Commission. Members serve four-year terms. The Governor designates the chairperson (Code 1957, Art. 10, secs. 33D-33F).