

SENATE BILL 611

P1, M3, M1

3lr2600
CF HB 874

By: **Senators Bailey, Elfreth, Rosapepe, and West**
Introduced and read first time: February 6, 2023
Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Office of the Attorney General – ~~Environment~~ Environmental and Natural**
3 **Resources ~~Monitoring Crimes~~ Unit – Establishment**

4 FOR the purpose of establishing the ~~Environment~~ Environmental and Natural Resources
5 ~~Monitoring Crimes~~ Unit of the Office of the Attorney General to investigate and
6 prosecute cases against persons that violate State criminal environmental and
7 natural resources laws ~~and to assist the Department of the Environment and the~~
8 ~~Department of Natural Resources in investigating or bringing a civil action~~
9 ~~regarding a violation of State civil environmental and natural resources laws; and~~
10 generally relating to the ~~Environment~~ Environmental and Natural Resources
11 ~~Monitoring Crimes~~ Unit.

12 BY adding to

13 Article – State Government
14 Section ~~6-701 and through 6-702~~ 6-703 to be under the new subtitle “Subtitle 7.
15 ~~Environment~~ Environmental and Natural Resources ~~Monitoring Crimes~~ Unit”
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2022 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – State Government**

21 **SUBTITLE 7. ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~MONITORING~~ CRIMES UNIT.**6-701.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DIRECTOR" MEANS THE DIRECTOR OF ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES ~~MONITORING~~ CRIMES.

(C) "UNIT" MEANS THE ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES ~~MONITORING~~ CRIMES UNIT OF THE OFFICE OF THE ATTORNEY GENERAL.

6-702.

(A) (1) THERE IS AN ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES ~~MONITORING~~ CRIMES UNIT OF THE OFFICE OF THE ATTORNEY GENERAL.

(2) THE FUNCTION OF THE UNIT IS TO:

(I) INVESTIGATE AND PROSECUTE CASES AGAINST PERSONS THAT VIOLATE STATE CRIMINAL ENVIRONMENTAL AND NATURAL RESOURCES LAWS; AND

(II) ~~ON REQUEST OF THE DEPARTMENT OF THE ENVIRONMENT OR THE DEPARTMENT OF NATURAL RESOURCES, ASSIST THE DEPARTMENT IN INVESTIGATING OR BRINGING A CIVIL ACTION REGARDING A VIOLATION OF THE CIVIL ENVIRONMENTAL OR NATURAL RESOURCES LAWS OF THE STATE~~ INVESTIGATE AND PROSECUTE ANY OTHER CRIMINAL OFFENSE DISCOVERED IN THE COURSE OF AN INVESTIGATION UNDER THIS SUBTITLE.

(3) IN CONDUCTING AN INVESTIGATION AND PROSECUTING CASES UNDER THIS SUBTITLE, THE UNIT MAY ACT WITH THE FULL POWERS, RIGHTS, PRIVILEGES, AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN ANY COUNTY.

(B) (1) THE UNIT SHALL INCLUDE:

(I) A FULL-TIME DIRECTOR OF ~~ENVIRONMENT~~ ENVIRONMENTAL AND NATURAL RESOURCES ~~MONITORING~~ CRIMES; AND

1 (II) STAFF, INCLUDING ~~ENVIRONMENT AND NATURAL~~
2 ~~RESOURCES JUSTICE MONITORS AND ATTORNEYS SPECIALIZING IN~~
3 ~~ENVIRONMENTAL AND NATURAL RESOURCES LAW ASSISTANT ATTORNEYS~~
4 GENERAL, INVESTIGATORS, AND ADMINISTRATORS, AS PROVIDED IN THE STATE
5 BUDGET.

6 (2) SALARIES OF THE DIRECTOR, AND STAFF, AND ENVIRONMENT
7 ~~AND NATURAL RESOURCES JUSTICE MONITORS~~ AND EXPENSES FOR RENT, TRAVEL,
8 EQUIPMENT, SUPPLIES, AND GENERAL OPERATING EXPENSES NECESSARY FOR THE
9 WORK OF THE UNIT SHALL BE AS PROVIDED IN THE STATE BUDGET.

10 (3) IN COOPERATION WITH THE SECRETARY OF BUDGET AND
11 MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES,
12 QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS
13 WITHIN THE UNIT.

14 (C) THE UNIT SHALL: INVESTIGATE AND PROSECUTE THE STATE'S
15 CRIMINAL ENVIRONMENTAL AND NATURAL RESOURCE LAWS.

16 (1) ~~COOPERATE WITH STATE AND LOCAL LAW ENFORCEMENT~~
17 ~~OFFICIALS IN PROSECUTING POLLUTION CASES;~~

18 (2) ~~PROVIDE ASSISTANCE TO VICTIMS OF POLLUTION CRIMES AND~~
19 ~~OTHER ENVIRONMENTAL CRIMES AND SUPPORT PROFESSIONALS WHO ASSIST~~
20 ~~THESE VICTIMS;~~

21 (3) ~~PROSECUTE THE STATE'S CRIMINAL ENVIRONMENTAL AND~~
22 ~~NATURAL RESOURCES LAWS, INCLUDING BRINGING AND DEFENDING CASES UNDER~~
23 ~~WILDLIFE LAWS AND LAWS ASSOCIATED WITH THE MANAGEMENT OF PUBLIC LANDS~~
24 ~~AND NATURAL AND CULTURAL RESOURCES IN THE STATE;~~

25 (4) ~~ON REQUEST OF THE DEPARTMENT OF THE ENVIRONMENT OR~~
26 ~~THE DEPARTMENT OF NATURAL RESOURCES, ASSIST THE DEPARTMENT IN~~
27 ~~INVESTIGATING OR BRINGING A CIVIL ACTION REGARDING A VIOLATION OF THE~~
28 ~~CIVIL ENVIRONMENTAL OR NATURAL RESOURCES LAWS OF THE STATE;~~

29 (5) ~~ADVISE AND ASSIST THE ATTORNEY GENERAL, THE SECRETARY~~
30 ~~OF THE ENVIRONMENT, AND THE SECRETARY OF NATURAL RESOURCES ON~~
31 ~~ENVIRONMENTAL LEGAL AND POLICY QUESTIONS; AND~~

32 (6) ~~WORK WITH NEIGHBORING STATES AND THE FEDERAL~~
33 ~~ENVIRONMENT AND NATURAL RESOURCES DIVISION OF THE U.S. DEPARTMENT OF~~
34 ~~JUSTICE TO ENSURE COMPLIANCE WITH STATE AND FEDERAL ENVIRONMENTAL~~
35 ~~AND NATURAL RESOURCES LAWS ACROSS STATE BOUNDARIES.~~

1 ~~(D) AS APPROPRIATE, THE DIRECTOR SHALL SERVE AS THE ATTORNEY~~
2 ~~GENERAL'S DESIGNEE ON TASK FORCES AND COMMISSIONS RELATED TO~~
3 ~~ENVIRONMENT AND NATURAL RESOURCES POLICY.~~

4 ~~(E)~~ (D) ON OR BEFORE NOVEMBER 30 EACH YEAR, THE UNIT SHALL
5 REPORT TO THE ATTORNEY GENERAL, THE SECRETARY OF THE ENVIRONMENT,
6 THE SECRETARY OF NATURAL RESOURCES, THE GOVERNOR, AND, IN ACCORDANCE
7 WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON ALL THE ACTIVITIES
8 OF THE UNIT AND ANY ACTIONS TAKEN BY THE DEPARTMENT OF THE
9 ENVIRONMENT OR THE DEPARTMENT OF NATURAL RESOURCES IN RESPONSE TO
10 FINDINGS AND RECOMMENDATIONS OF THE UNIT.

11 6-703.

12 (A) (1) FOR THE LIMITED PURPOSE OF FURTHERING AN ONGOING
13 CRIMINAL INVESTIGATION UNDER THIS SUBTITLE, THE ATTORNEY GENERAL OR A
14 DEPUTY ATTORNEY GENERAL OR AN ASSISTANT ATTORNEY GENERAL DESIGNATED
15 IN WRITING BY THE ATTORNEY GENERAL MAY ISSUE IN ANY COURT IN THE STATE A
16 SUBPOENA TO A PERSON TO PRODUCE TELEPHONE, BUSINESS, GOVERNMENT, OR
17 CORPORATE RECORDS OR DOCUMENTS.

18 (2) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE SERVED IN
19 THE SAME MANNER AS A SUBPOENA ISSUED BY A CIRCUIT COURT.

20 (B) (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY
21 CONTACT MADE UNDER SUBSECTION (A) OF THIS SECTION WITH THE ATTORNEY
22 GENERAL OR AN AGENT OF THE ATTORNEY GENERAL.

23 (2) THE ATTORNEY GENERAL SHALL ADVISE A PERSON OF THE
24 RIGHT TO COUNSEL WHEN THE SUBPOENA IS SERVED.

25 (C) (1) (I) IF A PERSON FAILS TO OBEY A LAWFULLY SERVED
26 SUBPOENA UNDER SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL
27 MAY REPORT THE FAILURE TO OBEY THE SUBPOENA TO THE CIRCUIT COURT WITH
28 JURISDICTION OVER THE MATTER.

29 (II) THE ATTORNEY GENERAL SHALL PROVIDE A COPY OF THE
30 SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

31 (2) AFTER CONDUCTING A HEARING AT WHICH THE PERSON THAT
32 ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)
33 OF THIS SECTION HAS HAD AN OPPORTUNITY TO BE HEARD AND BE REPRESENTED
34 BY COUNSEL, THE COURT MAY GRANT APPROPRIATE RELIEF.

1 **(D) THIS SECTION DOES NOT ALLOW THE CONTRAVENTION, DENIAL, OR**
2 **ABROGATION OF A PRIVILEGE OR RIGHT RECOGNIZED BY LAW.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.