

SENATE BILL 617

E2

4r1698
CF 4r2972

By: **Senators Sydnor and Smith**

Introduced and read first time: January 26, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Transparency Standards for State’s Attorneys and the**
3 **State’s Attorney Case Management System Grant Fund**

4 FOR the purpose of establishing the State’s Attorney Case Management System Grant
5 Fund; altering the membership, reporting requirement, and termination date of the
6 Task Force to Study Transparency Standards for State’s Attorneys; and generally
7 relating to the State’s Attorney Case Management System Grant Fund and the Task
8 Force to Study Transparency Standards for State’s Attorneys.

9 BY adding to

10 Article – Criminal Procedure
11 Section 15–501 through 15–503 to be under the new subtitle “Subtitle 5. State’s
12 Attorney Case Management System Grant Fund”
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – State Finance and Procurement
17 Section 6–226(a)(2)(i)
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Finance and Procurement
22 Section 6–226(a)(2)(ii)189. and 190.
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

25 BY adding to

26 Article – State Finance and Procurement
27 Section 6–226(a)(2)(ii)191.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2023 Supplement)

3 BY repealing and reenacting, with amendments,
4 Chapter 141 of the Acts of the General Assembly of 2022
5 Section 4 and 8

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

8 **Article – Criminal Procedure**

9 **SUBTITLE 5. STATE’S ATTORNEY CASE MANAGEMENT SYSTEM GRANT FUND.**

10 **15–501.**

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

13 (B) “CASE MANAGEMENT SYSTEM” MEANS AN ELECTRONIC PROGRAM THAT
14 IS CAPABLE OF COLLECTING DATA ABOUT ARRESTS, CHARGING DECISIONS, AND
15 OTHER INFORMATION ABOUT A CASE HANDLED BY A STATE’S ATTORNEY.

16 (C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
17 GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

18 (D) “FUND” MEANS THE STATE’S ATTORNEY CASE MANAGEMENT SYSTEM
19 GRANT FUND.

20 **15–502.**

21 (A) THERE IS A STATE’S ATTORNEY CASE MANAGEMENT SYSTEM GRANT
22 FUND.

23 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO STATE’S
24 ATTORNEYS’ OFFICES TO ESTABLISH OR IMPROVE CASE MANAGEMENT SYSTEMS.

25 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

26 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
27 SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
2 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH**
3 **THE EXECUTIVE DIRECTOR.**

4 **(E) THE FUND CONSISTS OF:**

5 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

6 **(2) INTEREST EARNINGS OF THE FUND; AND**

7 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
8 **THE BENEFIT OF THE FUND.**

9 **(F) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO STATE'S**
10 **ATTORNEYS' OFFICES TO ESTABLISH OR IMPROVE CASE MANAGEMENT SYSTEMS.**

11 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
12 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

13 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
14 **THE FUND.**

15 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
16 **WITH THE STATE BUDGET.**

17 **(I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT**
18 **TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE**
19 **GOVERNMENT ARTICLE.**

20 **15-503.**

21 **(A) THE EXECUTIVE DIRECTOR SHALL:**

22 **(1) ESTABLISH PROCEDURES FOR STATE'S ATTORNEYS' OFFICES TO**
23 **APPLY FOR AND RECEIVE GRANTS FROM THE FUND; AND**

24 **(2) SOLICIT GRANT PROPOSALS FROM STATE'S ATTORNEYS' OFFICES.**

25 **(B) A STATE'S ATTORNEY'S OFFICE THAT APPLIES FOR A GRANT FROM THE**
26 **FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH:**

27 **(1) A DESCRIPTION OF THE CASE MANAGEMENT SYSTEM THAT THE**
28 **STATE'S ATTORNEY'S OFFICE SEEKS TO ESTABLISH OR THE IMPROVEMENTS THAT**

1 THE STATE'S ATTORNEY'S OFFICE SEEKS TO MAKE TO AN EXISTING CASE
2 MANAGEMENT SYSTEM; AND

3 (2) ANY OTHER INFORMATION THAT THE EXECUTIVE DIRECTOR
4 CONSIDERS NECESSARY.

5 (C) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE FUND TO
6 STATE'S ATTORNEYS' OFFICES FOR THE ESTABLISHMENT OR IMPROVEMENT OF
7 CASE MANAGEMENT SYSTEMS.

8 (D) A STATE'S ATTORNEY'S OFFICE THAT RECEIVES A GRANT FROM THE
9 FUND SHALL SUBMIT TO THE EXECUTIVE DIRECTOR PROOF OF THE EXPENDITURE
10 OF THE GRANT FUNDS.

11 (E) MONEY DISTRIBUTED UNDER THIS SUBTITLE SHALL BE USED TO
12 SUPPLEMENT AND NOT SUPPLANT ANY OTHER FUNDING FOR THE ESTABLISHMENT
13 OR IMPROVEMENT OF A CASE MANAGEMENT SYSTEM.

14 Article – State Finance and Procurement

15 6–226.

16 (a) (2) (i) Notwithstanding any other provision of law, and unless
17 inconsistent with a federal law, grant agreement, or other federal requirement or with the
18 terms of a gift or settlement agreement, net interest on all State money allocated by the
19 State Treasurer under this section to special funds or accounts, and otherwise entitled to
20 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
21 Fund of the State.

22 (ii) The provisions of subparagraph (i) of this paragraph do not apply
23 to the following funds:

24 189. the Teacher Retention and Development Fund; [and]

25 190. the Protecting Against Hate Crimes Grant Fund; AND

26 191. THE STATE'S ATTORNEY CASE MANAGEMENT
27 SYSTEM GRANT FUND.

28 Chapter 141 of the Acts of 2022

29 SECTION 4. AND BE IT FURTHER ENACTED, That:

30 (a) There is a Task Force to Study Transparency Standards for State's Attorneys.

1 (b) The Task Force consists of the following members:

2 (1) two members of the Senate of Maryland and two members of the
3 community, appointed by the President of the Senate;

4 (2) two members of the House of Delegates and two members of the
5 community, appointed by the Speaker of the House;

6 (3) the President of the Maryland State's Attorneys' Association, or the
7 President's designee;

8 (4) the Executive Director of the Maryland State Commission on Criminal
9 Sentencing Policy, or the Executive Director's designee;

10 (5) one representative of the Administrative Office of the Courts, appointed
11 by the Chief Judge of the Court of Appeals;

12 (6) one representative of the Vera Institute of Justice, appointed by the
13 Governor;

14 (7) the Chair of the Attorney Grievance Commission, or the Chair's
15 designee; [and]

16 (8) one representative of a crime victims' advocacy group, appointed by the
17 Governor;

18 **(9) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF**
19 **CRIME PREVENTION, YOUTH, AND VICTIM SERVICES, OR THE EXECUTIVE**
20 **DIRECTOR'S DESIGNEE;**

21 **(10) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S**
22 **DESIGNEE; AND**

23 **(11) THE PUBLIC DEFENDER OF MARYLAND, OR THE PUBLIC**
24 **DEFENDER'S DESIGNEE.**

25 (c) The President of the Senate and the Speaker of the House shall each designate
26 one co-chair of the Task Force.

27 (d) The Department of Legislative Services shall provide staff for the Task Force.

28 (e) A member of the Task Force:

29 (1) may not receive compensation as a member of the Task Force; but

1 (2) is entitled to reimbursement for expenses under the Standard State
2 Travel Regulations, as provided in the State budget.

3 (f) (1) The Task Force shall study the possibility of establishing minimum
4 transparency standards for State's Attorneys.

5 (2) In conducting its study, the Task Force shall:

6 (i) develop processes by which prosecutors can collect information
7 and determine what information should be made public and what information may be kept
8 private; and

9 (ii) examine any existing policies of State's Attorneys' offices across
10 the State relating to the transparency of data, the charging of crimes, and sentencing.

11 (g) On or before **DECEMBER 31 EACH YEAR BEGINNING** December 31, 2023,
12 the Task Force shall report its findings and recommendations to the Senate Judicial
13 Proceedings Committee and the House Judiciary Committee in accordance with § 2-1257
14 of the State Government Article.

15 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
16 Sections 6 and 7 of this Act, this Act shall take effect July 1, 2022. Section 4 of this Act shall
17 remain effective for a period of [2] **5** years and, at the end of June 30, [2024] **2027**, Section
18 4 of this Act, with no further action required by the General Assembly, shall be abrogated
19 and of no further force and effect.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
21 1, 2024.