
By: **Prince George's County Delegation**
Introduced and read first time: February 11, 1998
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - State's Attorney - Transfer of Budgetary**
3 **Responsibility**
4 **PG 311-98**

5 FOR the purpose of transferring, from Prince George's County to the State,
6 responsibility to pay salaries and other budgetary expenses for the Office of the
7 State's Attorney in Prince George's County; providing for a delayed effective
8 date; and generally relating to the transfer of the budgetary authority of the
9 Office of the State's Attorney in Prince George's County to the State.

10 BY repealing and reenacting, with amendments,
11 Article 10 - Legal Officials
12 Section 40(a), (q), and (y)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 24 - Political Subdivisions - Miscellaneous Provisions
17 Section 8-101
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

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

22 **Article 10 - Legal Officials**

23 40.

24 (a) (1) [The] EXCEPT IN PRINCE GEORGE'S COUNTY, THE State's Attorneys
25 in the several counties of the State shall receive annually the respective salaries set
26 forth for performing the duties required of them by their respective public local laws
27 and by the public general laws, and such expenses as are provided by law and by the
28 current practice in the several counties. The State's Attorneys shall receive annual

1 payments for office, traveling and other expenses. All payments for salaries and
2 expenses shall be made by the respective counties in equal monthly installments
3 unless otherwise specified.

4 (2) IN PRINCE GEORGE'S COUNTY, THE STATE'S ATTORNEY, DEPUTY
5 STATE'S ATTORNEYS, AND ASSISTANT STATE'S ATTORNEYS SHALL RECEIVE
6 ANNUALLY THE RESPECTIVE SALARIES SET FORTH IN THE STATE BUDGET FOR
7 PERFORMING THE DUTIES REQUIRED BY THE PUBLIC LOCAL LAWS AND BY THE
8 PUBLIC GENERAL LAWS, AND SUCH EXPENSES AS ARE PROVIDED BY LAW. The
9 salaries and expenses are as follows.

10 (q) In Prince George's County:

11 (1) (i) The State's Attorney's annual salary shall be:

- 12 1. \$98,000 for calendar year 1995;
- 13 2. \$98,000 for calendar year 1996;
- 14 3. \$101,000 for calendar year 1997; and
- 15 4. \$104,000 for calendar year 1998 and for each subsequent
16 calendar year.

17 (ii) The State's Attorney may not, except in connection with duties
18 as State's Attorney, appear as counsel or represent any party professionally before
19 any court, board, commission, or agency of this State or any county or political
20 subdivision of this State. The State's Attorney may not engage in the private practice
21 of law but may participate in the pro bono program administered by the Prince
22 George's County Bar Foundation.

23 (2) The State's Attorney may appoint 2 deputy State's Attorneys and 57
24 assistant State's Attorneys. The deputy State's Attorneys and assistant State's
25 Attorneys serve at the pleasure of the State's Attorney.

26 (3) The annual salary of the deputy State's Attorneys shall be within the
27 discretion of the State's Attorney, but may not exceed \$86,500. The salaries are to be
28 paid by the [County on the certification of the State's Attorney to the County
29 Executive and County Council] STATE.

30 (4) The annual salary of the assistant State's Attorneys shall be within
31 the discretion of the State's Attorney, but may not exceed \$77,850. The salaries are to
32 be paid by the [County on the certification of the State's Attorney to the County
33 Executive and County Council] STATE.

34 (5) The deputy State's Attorneys and the assistant State's Attorneys,
35 except in connection with their duties as deputy State's Attorneys and assistant
36 State's Attorneys, may not appear as counsel or represent any party professionally
37 before any court, board, commission or agency of this State or any county or political
38 subdivision of this State. The deputy State's Attorneys and assistant State's Attorneys

1 may not engage in the private practice of law, but may participate in the pro bono
2 program administered by the Prince George's County Bar Foundation.

3 (6) The deputy State's Attorneys and the assistant State's Attorneys
4 shall perform whatever work as may be directed by the State's Attorney, or as
5 authorized by law, and under the direction of the State's Attorney may present cases
6 to the grand juries, sign indictments and criminal informations, and perform
7 whatever other acts and duties in relation to the grand juries and in the operation of
8 the office as are necessary and proper.

9 (7) The State's Attorney may appoint an administrative assistant to
10 serve at the pleasure of the State's Attorney. The annual salary of the administrative
11 assistant shall be within the discretion of the State's Attorney, but may not exceed
12 \$47,000. The salary is to be paid by the [County on the certification of the State's
13 Attorney to the County Executive and County Council] STATE. The administrative
14 assistant is not subject to the rules and regulations of the [County] STATE merit
15 system, but shall be entitled to all benefits provided for [County] STATE employees
16 under the merit system.

17 (8) The salary and expenses of the State's Attorney, the deputy State's
18 Attorneys, and the assistant State's Attorneys shall be paid in equal semimonthly
19 installments.

20 (y) The State's Attorney in any county shall not receive any other
21 compensation, commission or emolument of any kind for performing his duties as
22 State's Attorney, except his necessary traveling and other expenses in trying cases
23 removed to Baltimore City or to another county. Any fees to which he is entitled shall
24 be collected and paid over to the board of county commissioners or county council of
25 his county and credited to the general funds of the county, EXCEPT IN PRINCE
26 GEORGE'S COUNTY WHERE SUCH FEES SHALL BE COLLECTED AND PAID OVER TO
27 THE STATE AND CREDITED TO THE GENERAL FUNDS OF THE STATE.

28 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

29 8-101.

30 Each of the following entities is subject to the budget and fiscal policies and
31 purchasing laws of the county in which it is located:

- 32 (1) Any county board of supervisors of elections;
- 33 (2) [Any] EXCEPT IN PRINCE GEORGE'S COUNTY, ANY State's Attorney's
34 office;
- 35 (3) Any sheriff's office;
- 36 (4) Any county board of liquor license commissioners; or
- 37 (5) Any circuit court, but not the office of a clerk of court.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 1999.