
By: **Delegate Eckardt**

Introduced and read first time: February 28, 2005

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 14, 2005

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 2005

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County - State's Attorney's Office - Salaries, Expenses, and**
 3 **Employees**

4 FOR the purpose of prohibiting the Dorchester County State's Attorney from
 5 engaging in the private practice of law at any time in any jurisdiction;
 6 prohibiting the State's Attorney from appearing professionally in any criminal
 7 proceeding in the State except in connection with and performance of duties as
 8 State's Attorney; altering the authority for the State's Attorney to appoint
 9 deputy or assistant State's Attorneys subject to certain approval; providing for
 10 the salaries, compensation, and legal powers of the deputy or assistant State's
 11 Attorneys; altering certain provisions of law relating to the payment of expenses
 12 for the office of the State's Attorney to provide for a certain allowance for the
 13 expenses; altering the authority of the State's Attorney to employ certain
 14 administrative and clerical employees; altering certain provisions of law and
 15 pension rights relating to the compensation of certain administrative and
 16 clerical employees; defining a certain term; and generally relating to the
 17 salaries, expenses, and employees of the Dorchester County State's Attorney's
 18 office.

19 BY repealing and reenacting, with amendments,
 20 Article 10 - Legal Officials
 21 Section 40(j)
 22 Annotated Code of Maryland
 23 (2001 Replacement Volume and 2004 Supplement)

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

1

Article 10 - Legal Officials

2 40.

3 (j) (1) In Dorchester County, the State's Attorney's salary shall be 80
4 percent of the salary of a judge of the District Court of Maryland.

5 (2) The State's Attorney shall serve full time and WHILE IN OFFICE may
6 not engage in the private practice of law AT ANY TIME IN ANY JURISDICTION.

7 [(3) The County Commissioners of Dorchester County shall pay all
8 reasonable expenses for the conduct of the State's Attorney's office including, but not
9 limited to, rent, clerical and secretarial expenses, upon vouchers submitted by the
10 State's Attorney.

11 (4) The State's Attorney may from time to time, if deemed wise or
12 necessary, with the approval of the judge of the Circuit Court of Dorchester County,
13 appoint and fix the compensation of assistant State's Attorneys who shall present
14 such cases to the Dorchester County grand jury and perform such other acts and
15 duties in relation to the grand jury, Circuit and District Court sitting in Dorchester
16 County, as deemed necessary.]

17 (3) EXCEPT IN CONNECTION WITH AND IN PERFORMANCE OF DUTIES AS
18 STATE'S ATTORNEY, WHILE IN OFFICE THE STATE'S ATTORNEY MAY NOT APPEAR
19 PROFESSIONALLY IN ANY CRIMINAL PROCEEDING IN THIS STATE.

20 (4) THE STATE'S ATTORNEY MAY APPOINT WHATEVER NUMBER OF
21 FULL- OR PART-TIME DEPUTY OR ASSISTANT STATE'S ATTORNEYS AS MAY BE
22 APPROVED BY THE DORCHESTER COUNTY COUNCIL. ALL APPOINTEES SERVE AT THE
23 STATE'S ATTORNEY'S PLEASURE. THE SALARIES AND COMPENSATION OF THESE
24 PERSONS SHALL BE AS APPROVED BY THE COUNTY COUNCIL. THE DEPUTY OR
25 ASSISTANT STATE'S ATTORNEYS HAVE THE SAME LEGAL POWERS AS THE STATE'S
26 ATTORNEY TO PRESENT CASES TO THE GRAND JURY AND PERFORM WHATEVER
27 OTHER ACTS AND DUTIES IN RELATION TO THE GRAND JURY AND IN THE
28 OPERATIONS OF THE OFFICE AS ARE NECESSARY AND PROPER.

29 (5) (I) IN THIS PARAGRAPH, "EXPENSES" INCLUDES THE COSTS OF:

30 1. TELEPHONE CHARGES;

31 2. OFFICE SUPPLIES;

32 3. POSTAGE;

33 4. PREMIUMS ON OFFICE BONDS;

34 5. TRAINING;

35 6. TRAVEL;

36 7. CONFERENCES;

1 8. BOOKS AND PUBLICATIONS; AND

2 9. OFFICE EQUIPMENT.

3 (II) SUBJECT TO THE APPROVAL OF THE DORCHESTER COUNTY
4 COUNCIL, THE STATE'S ATTORNEY FOR DORCHESTER COUNTY IS ENTITLED TO AN
5 ALLOWANCE FOR THE EXPENSES FOR THE OPERATION OF THE OFFICE OF THE
6 STATE'S ATTORNEY FOR DORCHESTER COUNTY.

7 (6) (I) SUBJECT TO THE APPROVAL OF THE DORCHESTER COUNTY
8 COUNCIL:

9 1. THE STATE'S ATTORNEY MAY EMPLOY ADMINISTRATIVE
10 AND CLERICAL EMPLOYEES; AND

11 2. ADMINISTRATIVE AND CLERICAL EMPLOYEES SHALL BE
12 COMPENSATED AT SALARIES IN ACCORDANCE WITH THE DORCHESTER COUNTY PAY
13 SCALE.

14 [(5)] (II) ADMINISTRATIVE AND [A clerical or secretarial employee]
15 CLERICAL EMPLOYEES of the Dorchester County State's Attorney's office shall be
16 considered [a] county [employee] EMPLOYEES [for the purpose of membership in]
17 AND ARE MEMBERS OF the pension system in which a county employee is eligible to
18 be a member.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 2005.