

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled

House Bill 906 (Delegate Hinebaugh)

Environment and Transportation

Judicial Proceedings

Garrett County – Sheriff’s Salary – Alteration

This bill establishes that the salary of the Garrett County Sheriff is equal to 80% of the salary of the State’s Attorney of Garrett County. The bill also repeals the requirement for the Garrett County Salary Study Commission to study the salary of the county sheriff. Pursuant to constitutional requirements, the salary increase takes effect at the beginning of the next term of office.

Fiscal Summary

State Effect: None.

Local Effect: Garrett County expenditures increase by a minimum of \$32,700 in FY 2027 and by at least \$56,100 annually thereafter. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Pursuant to statute, the Sheriff of Garrett County receives an annual salary set by the county commissioners in accordance with Chapter 91 of the Public Local Laws of Garrett County. The Garrett County Salary Study Commission is charged with studying the salaries of specified public officials in the county (including the sheriff) and may recommend to the county commissioners an increase or decrease in the salary of the State’s Attorney, or any office it is required to study. Within 45 days after receiving the recommendations of the commission, the county commissioners may accept, reduce, or reject the salary recommendations but may not increase them.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public official from being increased or diminished during the individual's term of office, except those whose full term is fixed by law in excess of four years. According to a letter from the counsel to the General Assembly, dated January 17, 1978, salary increases that are to be implemented over a period of time are permissible if implemented before the beginning of the term.

Local Expenditures: Garrett County advises that the current salary of the Garrett County State's Attorney is set at 80% of the salary of a judge of the District Court. Garrett County expenditures therefore increase by a minimum of \$32,700 in fiscal 2027 and by at least \$56,100 annually thereafter. This estimate (1) is based on the fiscal 2026 salary of a District Court judge (\$201,333), as discussed below; (2) assumes the salary of the State's Attorney remains tied to the salary of a District Court judge; (3) is based on the current salary of the Sheriff (\$85,000), as reported by Garrett County; (4) accounts for the next term of office beginning December 2026; and (5) includes fringe benefits.

Joint Resolutions 2 and 3 of the 2022 session, which implemented the recommendations of the Judicial Compensation Commission, set judicial salaries through fiscal 2026. Salary increases in future years are dependent on the recommendations submitted by the Judicial Compensation Commission when it next meets in 2025 (and subsequent action by the General Assembly pertaining to the recommendations). Expenditures increase beyond the estimate shown to the extent that judicial salaries further increase, thereby correspondingly increasing the salary of the State's Attorney and the Sheriff.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 521 (Senator McKay) - Judicial Proceedings.

Information Source(s): Garrett County; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2024
km/jkb Third Reader - March 18, 2024
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Analysis by: Valarie P. Munroe

Direct Inquiries to:
(410) 946-5510
(301) 970-5510