

---

**By: Delegates Bozman, Conway, and McClenahan**

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Worcester County - State's Attorney - Salary and Private Practice Restriction**

3 FOR the purpose of requiring the State's Attorney for Worcester County to serve full  
4 time and prohibiting the private practice of law after a certain date; establishing the  
5 salary of the State's Attorney for Worcester County at a certain percentage of the  
6 salary of a District Court judge; authorizing the Board of County Commissioners for  
7 Worcester County to set a higher salary under certain circumstances; providing that  
8 this Act does not apply to the salary or compensation of the incumbent State's  
9 Attorney for Worcester County; submitting this Act to a referendum of the legally  
10 qualified voters of Worcester County; providing for the effective date of this Act;  
11 and generally relating to the State's Attorney for Worcester County.

12 BY repealing and reenacting, with amendments,  
13 Article 10 - Legal Officials  
14 Section 40(x)  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1995 Supplement)

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

19 **Article 10 - Legal Officials**

20 40.

21 (x) (1) In Worcester County, the State's Attorney's salary shall be [as set by the  
22 County Commissioners] 90 PERCENT OF THE SALARY OF A JUDGE OF THE DISTRICT  
23 COURT OF MARYLAND. THE COUNTY COMMISSIONERS, BY ORDINANCE ENACTED  
24 PRIOR TO THE ELECTION FILING DEADLINE FOR THE NEXT TERM OF OFFICE FOR  
25 THE STATE'S ATTORNEY, MAY SET THE SALARY AT AN AMOUNT EXCEEDING 90  
26 PERCENT OF THE SALARY OF A JUDGE OF THE DISTRICT COURT.

27 (2) The State's Attorney may appoint any number of full or part-time  
28 deputy or assistant State's Attorneys as may be approved by the County Commissioners.  
29 All appointees serve at the State's Attorney's pleasure. The salaries and compensation of  
30 these persons shall be as approved by the County Commissioners. The deputy or assistant  
31 State's Attorneys have the same legal powers as the State's Attorney to present cases to

2

1 the grand jury and perform whatever other acts and duties in relation to the grand jury  
2 and in the operation of the office of State's Attorney as are necessary and proper.

3 (3) If authorized by an ordinance enacted by the County Commissioners, the  
4 State's Attorney for Worcester County may appoint a special investigator, who shall be  
5 directly under the supervision of the State's Attorney and shall perform such work as the  
6 State's Attorney may direct from time to time. The salary of the special investigator, who  
7 shall serve at the State's Attorney's pleasure, shall be determined by the County  
8 Commissioners. The special investigator shall devote his full time and attention to his  
9 duty and may not engage in other employment during the time he is employed as special  
10 investigator.

11 (4) In addition to the deputy State's Attorney, the State's Attorney for  
12 Worcester County may, with the approval of the resident judge of the Circuit Court for  
13 Worcester County, appoint two members of the bar of Worcester County as assistant  
14 State's Attorneys. One of the assistant State's Attorneys shall receive a salary as  
15 determined by the Board of County Commissioners but which shall not be less than  
16 \$16,000, including any State or federal funds as may be provided for such assistant State's  
17 Attorney. Such assistant State's Attorney shall devote his full time and attention to the  
18 duties of his office as assistant State's Attorney and may not engage in the private  
19 practice of law at any time in any jurisdiction during his tenure of office. The other  
20 assistant State's Attorney shall receive a salary of not less than \$12,000, including any  
21 State or federal funds as may be provided for such assistant State's Attorney. Such  
22 assistant State's Attorney may engage in the private practice of law.

23 (5) AFTER DECEMBER 31, 1998, THE STATE'S ATTORNEY SHALL SERVE  
24 FULL TIME AND MAY NOT ENGAGE IN THE PRIVATE PRACTICE OF LAW.

25 (6) The deputy State's Attorney and the assistant State's Attorneys shall  
26 serve at the pleasure of the State's Attorney. The deputy State's Attorney and the two  
27 assistant State's Attorneys have the same legal powers as the State's Attorney to  
28 represent the State before grand juries and in the trial of criminal proceedings.

29 [(6)] (7) In addition to the deputy State's Attorney and the two assistant  
30 State's Attorneys, the State's Attorney for Worcester County may, after obtaining the  
31 prior approval of the resident judge of the Circuit Court for Worcester County and after  
32 also obtaining the prior approval of the Board of County Commissioners of Worcester  
33 County, appoint such additional assistant State's Attorneys as he may deem necessary, the  
34 salary of such additional assistant State's Attorneys to be set and approved by the Board  
35 of County Commissioners for Worcester County.

36 [(7)] (8) If authorized by an ordinance enacted by the Worcester County  
37 Commissioners, the State's Attorney for Worcester County may appoint a special  
38 investigator. If a person is appointed special investigator, he shall be directly under the  
39 supervision of the State's Attorney and shall perform such work as the State's Attorney  
40 may designate from time to time. The salary of the special investigator, who shall serve at  
41 the State's Attorney's pleasure, shall be determined by the County Commissioners but  
42 may not be less than \$12,000, including any State or federal funds as may be provided for  
43 the special investigator. The special investigator shall devote his full time and attention to  
44 his duties as special investigator and may not engage in other employment during the time  
45 he is employed as special investigator.

1           SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III,  
2 Section 35 of the Constitution of Maryland, this Act may not be construed to extend or  
3 apply to the salary or compensation of the State's Attorney for Worcester County in office  
4 on the effective date of this Act, but the provisions of this Act concerning the salary or  
5 compensation of the State's Attorney of Worcester County shall take effect at the  
6 beginning of the next following term of office.

7           SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes  
8 effective it shall first be submitted to a referendum of the legally qualified voters of  
9 Worcester County at the general election to be held in November of 1996. The Board of  
10 County Commissioners and the Board of Supervisors of Elections of Worcester County  
11 shall do those things necessary and proper to provide for and hold the referendum  
12 required by this section. If a majority of the votes cast on the question are "For the  
13 referred law" the provisions of this Act shall become effective on the 30th day following  
14 the official canvass of votes for the referendum, but if a majority of the votes cast on the  
15 question are "Against the referred law" the provisions of this Act are of no effect and null  
16 and void.

17           SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
18 of Section 3 of this Act and for the sole purpose of providing for the referendum required  
19 by Section 3, this Act shall take effect July 1, 1996.