
By: Delegates Bozman, Conway, and McClenahan

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 1996

CHAPTER ____

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

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1 THE STATE'S ATTORNEY, MAY SET THE SALARY AT AN AMOUNT EXCEEDING 90
2 PERCENT OF THE SALARY OF A JUDGE OF THE DISTRICT COURT.

3 (2) The State's Attorney may appoint any number of full or part-time
4 deputy or assistant State's Attorneys as may be approved by the County Commissioners.
5 All appointees serve at the State's Attorney's pleasure. The salaries and compensation of
6 these persons shall be as approved by the County Commissioners. The deputy or assistant
7 State's Attorneys have the same legal powers as the State's Attorney to present cases to
8 the grand jury and perform whatever other acts and duties in relation to the grand jury
9 and in the operation of the office of State's Attorney as are necessary and proper.

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

18 (4) In addition to the deputy State's Attorney, the State's Attorney for
19 Worcester County may, with the approval of the resident judge of the Circuit Court for
20 Worcester County, appoint two members of the bar of Worcester County as assistant
21 State's Attorneys. One of the assistant State's Attorneys shall receive a salary as
22 determined by the Board of County Commissioners but which shall not be less than
23 \$16,000, including any State or federal funds as may be provided for such assistant State's
24 Attorney. Such assistant State's Attorney shall devote his full time and attention to the
25 duties of his office as assistant State's Attorney and may not engage in the private
26 practice of law at any time in any jurisdiction during his tenure of office. The other
27 assistant State's Attorney shall receive a salary of not less than \$12,000, including any
28 State or federal funds as may be provided for such assistant State's Attorney. Such
29 assistant State's Attorney may engage in the private practice of law.

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

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

36 [(6)] (7) In addition to the deputy State's Attorney and the two assistant
37 State's Attorneys, the State's Attorney for Worcester County may, after obtaining the
38 prior approval of the resident judge of the Circuit Court for Worcester County and after
39 also obtaining the prior approval of the Board of County Commissioners of Worcester
40 County, appoint such additional assistant State's Attorneys as he may deem necessary, the
41 salary of such additional assistant State's Attorneys to be set and approved by the Board
42 of County Commissioners for Worcester County.

43 [(7)] (8) If authorized by an ordinance enacted by the Worcester County
44 Commissioners, the State's Attorney for Worcester County may appoint a special

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1 investigator. If a person is appointed special investigator, he shall be directly under the
2 supervision of the State's Attorney and shall perform such work as the State's Attorney
3 may designate from time to time. The salary of the special investigator, who shall serve at
4 the State's Attorney's pleasure, shall be determined by the County Commissioners but
5 may not be less than \$12,000, including any State or federal funds as may be provided for
6 the special investigator. The special investigator shall devote his full time and attention to
7 his duties as special investigator and may not engage in other employment during the time
8 he is employed as special investigator.

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

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

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