
By: Delegates Brinkley, Hecht, Stup, Snodgrass, Elliott, and Stull

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - State's Attorney - Criminal Investigators**

3 FOR the purpose of providing that a criminal investigator appointed by the Frederick
4 County State's Attorney is subject to certain regulations and criteria established by
5 the State's Attorney; allowing the State's Attorney to designate the criminal
6 investigator as a peace officer if the criminal investigator meets certain
7 requirements; providing certain authorities, duties, and limitations for a criminal
8 investigator who is designated as a peace officer; and generally relating to criminal
9 investigators in Frederick County.

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

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

17 **Article 10 - Legal Officials**

18 40.

19 (k) (1) In Frederick County, the State's Attorney's annual salary is \$52,000.

20 (2) The State's Attorney may appoint a member of the bar of Frederick
21 County as deputy State's Attorney, to serve at the pleasure of the State's Attorney. The
22 deputy State's Attorney's annual salary shall be set by the State's Attorney, subject to the
23 approval of the County Commissioners. Under the direction of the State's Attorney, the
24 deputy State's Attorney shall present cases to the grand jury and perform such other acts
25 and duties in relation to the grand jury and in the operation of the office as are necessary
26 and proper.

27 (3) The State's Attorney and deputy State's Attorney may not engage in the
28 private practice of law.

29 (4) The Board of County Commissioners shall provide an office in the
30 courthouse for the State's Attorney. The Board shall pay the expenses of the office,

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1 including general operating expenses, cost of equipment, and the reasonable salary of a
2 stenographer to be appointed by the State's Attorney.

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

11 (6) (I) A CRIMINAL INVESTIGATOR WHO IS APPOINTED UNDER THIS
12 SUBSECTION:

13 1. IS SUBJECT TO THE REGULATIONS OF THE STATE'S
14 ATTORNEY;

15 2. SHALL PERFORM THE DUTIES DESIGNATED BY THE
16 STATE'S ATTORNEY;

17 3. SHALL TAKE AN OATH OF OFFICE SUBSCRIBED TO
18 BEFORE THE CLERK OF THE CIRCUIT COURT FOR FREDERICK COUNTY;

19 4. SHALL MEET CRITERIA WITH RESPECT TO TRAINING AND
20 EXPERIENCE REQUIRED BY THE STATE'S ATTORNEY;

21 5. MAY SERVE ANY SUMMONS OR SUBPOENA ISSUED BY
22 THE STATE'S ATTORNEY FOR FREDERICK COUNTY;

23 6. MAY WEAR OR DISPLAY APPROPRIATE METALLIC
24 BADGES AUTHORIZED BY THE STATE'S ATTORNEY; AND

25 7. IS NOT SUBJECT TO ANY OF THE PROVISIONS OF ARTICLE
26 27, §§ 727 THROUGH 734D OF THE CODE.

27 (II) IF A CRIMINAL INVESTIGATOR MEETS THE REQUIREMENTS OF
28 ARTICLE 41, § 4-201 OF THE CODE RELATING TO THE SELECTION AND TRAINING
29 STANDARDS OF THE POLICE TRAINING COMMISSION, THE STATE'S ATTORNEY MAY
30 DESIGNATE THE CRIMINAL INVESTIGATOR AS A PEACE OFFICER.

31 (III) IF A CRIMINAL INVESTIGATOR IS DESIGNATED AS A PEACE
32 OFFICER, UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CRIMINAL
33 INVESTIGATOR:

34 1. IS NOT SUBJECT TO THE PROVISIONS OF ARTICLE 27, §§727
35 THROUGH 734D OF THE CODE; AND

36 2. IN ADDITION TO THE AUTHORITY, DUTIES, AND
37 LIMITATIONS DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, SHALL
38 HAVE THE AUTHORITY OF A PEACE OFFICER IN FREDERICK COUNTY, INCLUDING
39 THE AUTHORITY TO:

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1 A. ARREST A PERSON WHO COMMITS A CRIME OR OFFENSE
2 IN FREDERICK COUNTY OR IN A MUNICIPALITY IN FREDERICK COUNTY;

3 B. SERVE A WARRANT, SUMMONS, OR SUBPOENA ISSUED BY
4 ANY CIRCUIT COURT OR THE DISTRICT COURT IN FREDERICK COUNTY; AND

5 C. POSSESS AND CARRY A FIREARM, INCLUDING A
6 HANDGUN, OR OTHER WEAPON REQUIRED BY, THE STATE'S ATTORNEY.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 1996.