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

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 13, 1996

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CHAPTER \_\_\_\_

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

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1 and duties in relation to the grand jury and in the operation of the office as are necessary  
2 and proper.

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

5 (4) The Board of County Commissioners shall provide an office in the  
6 courthouse for the State's Attorney. The Board shall pay the expenses of the office,  
7 including general operating expenses, cost of equipment, and the reasonable salary of a  
8 stenographer to be appointed by the State's Attorney.

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

17 (6) (I) A CRIMINAL INVESTIGATOR WHO IS APPOINTED UNDER THIS  
18 SUBSECTION:

19 1. IS SUBJECT TO THE REGULATIONS OF THE STATE'S  
20 ATTORNEY;

21 2. SHALL PERFORM THE DUTIES DESIGNATED BY THE  
22 STATE'S ATTORNEY;

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

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

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

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

31 7. IS NOT SUBJECT TO ANY OF THE PROVISIONS OF ARTICLE  
32 27, §§ 727 THROUGH 734D OF THE CODE.

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

37 (III) IF A CRIMINAL INVESTIGATOR IS DESIGNATED AS A PEACE  
38 OFFICER, UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CRIMINAL  
39 INVESTIGATOR:

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

3                                   2. IN ADDITION TO THE AUTHORITY, DUTIES, AND  
4 LIMITATIONS DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, SHALL  
5 HAVE THE AUTHORITY OF A PEACE OFFICER IN FREDERICK COUNTY, INCLUDING  
6 THE AUTHORITY TO:

7                                   A. ARREST A PERSON WHO COMMITS A CRIME OR OFFENSE  
8 IN FREDERICK COUNTY OR IN A MUNICIPALITY IN FREDERICK COUNTY;

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

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

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