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By: **Allegany County Delegation**

Introduced and read first time: January 29, 1998

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 24, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Allegany County State's Attorney - Salary**

3 FOR the purpose of increasing the salary of the State's Attorney for Allegany County;  
4 providing that this Act does not apply to the salary or compensation of the  
5 incumbent State's Attorney; making stylistic changes; and generally relating to  
6 the compensation of the State's Attorney for Allegany County.

7 BY repealing and reenacting, with amendments,  
8 Article 10 - Legal Officials  
9 Section 40(b)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1997 Supplement)

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

14 **Article 10 - Legal Officials**

15 40.

16 (b) (1) In Allegany County, [(1)] the State's Attorney's salary shall be [80  
17 percent] BASED ON THE FOLLOWING PERCENTAGES of a District Court judge's salary  
18 IN EFFECT ON DECEMBER 31 OF THE YEAR IMMEDIATELY BEFORE THE START OF  
19 THE STATE'S ATTORNEY'S TERM OF OFFICE:

- 20 (I) 85 PERCENT IN CALENDAR YEAR 1999;
- 21 (II) 87.5 PERCENT IN CALENDAR YEAR 2000; AND

1 (III) 90 PERCENT IN CALENDAR YEAR 2001 AND IN EACH  
2 SUBSEQUENT CALENDAR YEAR.

3 (2) While in office, the State's Attorney may not engage in the private  
4 practice of law.

5 [(2)] (3) The State's Attorney may appoint two deputy State's Attorneys.  
6 The deputy State's Attorneys' salaries may not be less than 80 percent of the salary of  
7 the State's Attorney. The deputies shall fulfill the responsibilities of their positions on  
8 a full-time basis. The State's Attorney may appoint as many assistant State's  
9 Attorneys as are funded and authorized by the Allegany County Commissioners.

10 [(3)] (4) The State's Attorney, the deputy State's Attorney, or an  
11 assistant State's Attorney shall present cases to the grand jury and perform other acts  
12 and duties in relation to the grand jury, the Circuit Court including the Juvenile  
13 Court, and the District Court as are necessary and proper in the judgment of the  
14 State's Attorney.

15 [(4)] (5) The State's Attorney shall appoint a county and an assistant  
16 county investigator in accordance with the provisions of §§ 12-1A and 12-1B of the  
17 Allegany County Code. The county and assistant county investigator shall be funded  
18 under § 12-1A of the Allegany County Code.

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 1998.