

HOUSE BILL 718

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D2

1998 Regular Session
(8r1028)

ENROLLED BILL

-- Commerce and Government Matters/Judicial Proceedings --

Introduced by **Charles County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering the salary of the Charles County State's Attorney;
4 ~~specifying that the salary shall be based upon a percentage of the salary of a~~
5 ~~District Court of Maryland judge; and providing that this Act does not apply to~~
6 ~~the salary or compensation of the incumbent Charles County State's Attorney~~
7 specifying that the salary shall be based on a certain percentage of the salary of a
8 judge of the District Court; repealing a certain restriction on the salary of the
9 deputy State's Attorney; and providing that this Act may not be construed to
10 increase or diminish the salary or compensation of an incumbent State's Attorney
11 during the State's Attorney's term of office.

12 BY repealing and reenacting, with amendments,
13 Article 10 - Legal Officials
14 Section 40(i)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 Supplement)

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

3 **Article 10 - Legal Officials**

4 40.

5 (i) (1) In Charles County, the State's Attorney's salary shall be [\$85,000 at
6 the beginning of the State's Attorney's term in 1995 and shall be] ~~\$87,550 for 1996,~~
7 ~~1997, and CALENDAR YEAR 1998] 95 PERCENT OF THE SALARY OF A JUDGE OF THE~~
8 ~~DISTRICT COURT OF MARYLAND AND \$89,550 FOR CALENDAR YEAR 1999 AND EACH~~
9 ~~SUBSEQUENT CALENDAR YEAR 90% OF THE SALARY OF A JUDGE OF THE DISTRICT~~
10 ~~COURT OF MARYLAND.~~ In addition to the compensation provided for in this section,
11 the State's Attorney shall be entitled to reimbursement for reasonable expenses
12 during his performance of duties, subject to the approval of the County
13 Commissioners. Except in connection with and in performance of duties as State's
14 Attorney, while in office the State's Attorney shall serve full time and may not appear
15 as counsel or represent any party professionally before any court, board, commission,
16 or agency of this State or of any of its political subdivisions, or otherwise engage in
17 the private practice of law.

18 (2) The State's Attorney may appoint a deputy State's Attorney. The
19 deputy State's Attorney shall serve full time and may not engage in the private
20 practice of law. The salary of the deputy State's Attorney shall be set by the County
21 Commissioners ~~and, after December 31, 1990, may not exceed the salary of the State's~~
22 ~~Attorney.~~

23 (3) The State's Attorney may appoint assistant State's Attorneys in the
24 number approved by the senior resident Circuit Court judge for Charles County. The
25 assistant State's Attorneys may serve either part time or full time. An assistant
26 State's Attorney may not engage in the private practice of criminal law. The salary of
27 each assistant attorney shall be set by the County Commissioners and may not exceed
28 the salary of the State's Attorney.

29 (4) The deputy State's Attorney and the assistant State's Attorneys shall
30 serve at the pleasure of the State's Attorney and shall perform such work as may be
31 directed by the State's Attorney, or as authorized by law, and may present cases to the
32 grand juries, sign indictments and criminal informations, and perform other
33 functions necessary and proper to the operation of the office.

34 (5) The State's Attorney may appoint clerical, administrative,
35 investigative, and other assistants as the State's Attorney deems necessary for the
36 proper conduct of the office. The salaries for these positions shall be subject to the
37 approval of the County Commissioners. The employees shall be entitled to all benefits
38 received by county employees.

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 Charles County State's Attorney in office~~
4 ~~on the effective date of this Act, but the provisions of this Act concerning the salary or~~
5 ~~compensation of the Charles County State's Attorney shall take effect at the~~
6 ~~beginning of the next following term of office~~ *increase or diminish the salary or*
7 *compensation of the incumbent or any future State's Attorney for Charles County*
8 *during the term of office of the State's Attorney.*

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

