

HOUSE BILL 1165

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D2

1998 Regular Session
(8lr2510)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Harford 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 **Harford County - State's Attorney and Sheriff - ~~Salaries~~ Salary Adjustments**

3 FOR the purpose of increasing the annual salary of the ~~Harford County~~ State's
4 Attorney for Harford County; authorizing the Sheriff of Harford County to
5 obtain outside employment as a part-time teacher with compensation not to
6 exceed a certain amount; altering the salary of the Sheriff of Harford County;
7 making stylistic changes; providing that this Act does not ~~affect~~ apply to the
8 salary or compensation of the incumbent State's Attorney or Sheriff; and
9 generally relating to the salaries of the State's Attorney and Sheriff ~~salary~~
10 ~~increases~~ for Harford County.

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

1 BY repealing and reenacting, with amendments,
 2 Article - Courts and Judicial Proceedings
 3 Section 2-309(n)
 4 Annotated Code of Maryland
 5 (1995 Replacement Volume and 1997 Supplement)

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

8 **Article 10 - Legal Officials**

9 40.

10 (m) (1) This subsection applies only in Harford County.

11 (2) (i) The annual salary of the State's Attorney is:

12 ~~1. [\$70,000] \$73,775 through June 30, [1997] 2001; and~~

13 ~~2. [\$72,500] \$75,050 commencing July 1, [1997] 2001 and~~
 14 ~~thereafter.~~

15 1. [\$70,000] \$72,500 through June 30, [1997] 1998; [and]

16 2. [\$72,500] \$74,500 commencing July 1, [1997] 1998

17 THROUGH JUNE 30, 2000;

18 3. \$76,500 COMMENCING JULY 1, 2000;

19 4. \$78,500 COMMENCING JULY 1, 2001; AND

20 5. \$80,320 COMMENCING JULY 1, 2002, and thereafter.

21 (ii) During the term in office of the State's Attorney and except in
 22 connection with and in the performance of his duties as State's Attorney, the State's
 23 Attorney may not appear as counsel or represent any party professionally before any
 24 court, board, commission or agency of this State or any county or political subdivision
 25 of this State. The intent is that the State's Attorney may not engage in the private
 26 practice of law in any manner.

27 (3) (i) The State's Attorney may appoint:

28 1. A deputy State's Attorney; and

29 2. Whatever assistant State's Attorneys that are authorized
 30 by the County Executive and County Council.

31 (ii) All appointees serve at the State's Attorney's pleasure. The
 32 salaries and compensation of such persons shall be provided by the County Executive
 33 and County Council. The deputy State's Attorney and the assistant State's Attorneys

1 have the same legal powers as the State's Attorney to represent the State before
2 grand juries and in the trial of criminal proceedings.

3 (4) The State's Attorney may appoint a secretary or clerical assistant.
4 The salary of the secretary or clerical assistant shall conform with the exempt
5 classification and pay plan authorized by the County Executive and County Council
6 and the secretary or clerical assistant shall serve at the pleasure of the State's
7 Attorney.

8 (5) The State's Attorney may employ clerical, administrative,
9 investigative, and other personnel as may be necessary for the proper conduct of the
10 office. The salaries and classifications for these employees shall be determined by the
11 State's Attorney, in conformity with the Harford County pay and classification plans,
12 and authorized by the County Executive and County Council. These employees shall
13 be entitled to all benefits received by similarly classified county employees.

14 (6) The county government shall pay all reasonable expenses for the
15 conduct of the office of State's Attorney.

16 Article - Courts and Judicial Proceedings

17 2-309.

18 (n) (1) The Sheriff of Harford County [shall not have employment outside of
19 that position, and] shall receive a salary of:

20 (i) [\$52,000 in 1991;

21 (ii) \$55,000 in 1992;

22 (iii) \$58,000 in 1993;

23 (iv) \$60,000 in 1994; and

24 (v)] \$70,000 beginning December 1, 1998 [and thereafter];

25 (II) \$72,000 IN 2000;

26 (III) \$74,000 IN 2001;

27 (IV) \$76,000 IN 2002; AND

28 (V) \$78,000 IN 2003 AND THEREAFTER.

29 (2) THE SHERIFF MAY NOT HAVE EMPLOYMENT OUTSIDE OF THAT
30 POSITION UNLESS:

31 (I) THE EMPLOYMENT IS A PART-TIME TEACHING POSITION; AND

32 (II) THE TOTAL MAXIMUM YEARLY INCOME FROM THE OUTSIDE
33 EMPLOYMENT UNDER THIS PARAGRAPH IS \$2,500 OR LESS.

1 ~~[(2)]~~ (3) The Sheriff shall appoint the number of deputies at the
 2 compensation provided in the county budget.

3 ~~[(3)]~~ (4) The Sheriff may appoint as a special deputy sheriff:

4 (i) The chief of police of a Harford County municipality; or

5 (ii) A member of the police force of a Harford County municipality
 6 who is certified by the Maryland Police Training Commission.

7 ~~[(4)]~~ (5) A special deputy sheriff appointed under this subsection is not
 8 an employee of the Sheriff or of Harford County.

9 ~~[(5)]~~ (6) (i) Except as provided in subparagraph (ii) of this paragraph,
 10 an employee of the Harford County Sheriff's Office may not be terminated without just
 11 cause.

12 (ii) Subparagraph (i) of this paragraph does not apply to:

13 1. The chief deputy;

14 2. A lieutenant colonel or major;

15 3. The secretary for the Sheriff;

16 4. A deputy or employee on probationary status; or

17 5. The warden of the Harford County Detention Center.

18 ~~[(6)]~~ (7) (i) A lieutenant colonel or major serves at the pleasure of the
 19 Sheriff.

20 (ii) A lieutenant colonel, major, or captain may not be reduced below
 21 the rank of lieutenant without just cause.

22 ~~[(7)]~~ (8) The Sheriff of Harford County shall have the authority to
 23 formulate and administer a plan that includes the method of supervision to use
 24 inmates from the Harford County Detention Center the Sheriff deems eligible and
 25 selects to perform, under the supervision of State, county, or municipal employees,
 26 tasks the Sheriff assigns within the county or any incorporated municipality within
 27 the county.

28 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III,
 29 Section 35 of the Constitution of Maryland, this Act may not be construed to extend or
 30 apply to the salary or compensation of the State's Attorney for Harford County or the
 31 Sheriff of Harford County in office on the effective date of this Act, but the provisions
 32 of this Act concerning the salary or compensation of the State's Attorney for Harford
 33 County or the Sheriff of Harford County shall take effect at the beginning of the next
 34 following term of office.

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