

SENATE BILL 441

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2002 Regular Session  
2lr2429  
CF HB 366

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By: **Senators Ferguson and Mooney**  
Introduced and read first time: January 31, 2002  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - State's Attorney's Office - Personnel**

3 FOR the purpose of altering the manner by which certain employees in the office of  
4 the Frederick County State's Attorney are appointed; providing that, subject to  
5 certain exceptions, all employees of the Frederick County State's Attorney's  
6 office shall be subject to the county's personnel regulations; and generally  
7 relating to the appointment of employees in the office of the Frederick County  
8 State's Attorney.

9 BY repealing and reenacting, with amendments,  
10 Article 10 - Legal Officials  
11 Section 40(k)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume)

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

16 **Article 10 - Legal Officials**

17 40.

18 (k) (1) In Frederick County, the State's Attorney's annual salary shall be 80  
19 percent of the salary of a judge of the District Court of Maryland.

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.  
22 The deputy State's Attorney's annual salary shall be set by the State's Attorney,  
23 subject to the approval of the County Commissioners. Under the direction of the  
24 State's Attorney, the deputy State's Attorney shall present cases to the grand jury and  
25 perform such other acts and duties in relation to the grand jury and in the operation  
26 of the office as are necessary and proper.

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

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

5           (5)       The State's Attorney may appoint the number of full or part-time  
6 assistant State's Attorneys and other staff personnel as may be approved by the  
7 County Commissioners. [All such appointees] THE DEPUTY STATE'S ATTORNEY,  
8 ASSISTANT STATE'S ATTORNEYS, THE CHIEF OF STAFF, AND THE SENIOR CHIEF  
9 INVESTIGATOR shall serve at the State's Attorney's pleasure. ALL OTHER EMPLOYEES  
10 APPOINTED BY THE STATE'S ATTORNEY SHALL BE SUBJECT TO THE COUNTY  
11 PERSONNEL REGULATIONS. The salaries and compensation of [such persons] ALL  
12 EMPLOYEES WITHIN THE STATE'S ATTORNEY'S OFFICE shall be as approved by the  
13 County Commissioners. The assistant State's Attorneys shall have the same legal  
14 powers as the State's Attorney to present cases to the grand jury and perform such  
15 other acts and duties in relation to the grand jury and in the operations of the office  
16 as are necessary and proper.

17       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2002.