

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

**Revised**

Senate Bill 706

(Senator Colburn)

Judicial Proceedings

Judiciary

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**Dorchester and Talbot Counties - State's Attorney - Salary and Duties**

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This bill sets the salary of the State's Attorney for Talbot County to 80% of the salary of a judge of the District Court of Maryland. The bill also requires the State's Attorneys in Dorchester and Talbot counties to serve full-time and prohibits each from engaging in the private practice of law.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Talbot County expenditures would increase by \$12,500 in FY 2003 and by \$25,000 in FY 2004 and each year thereafter.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The salary of the State's Attorney for Talbot County, currently \$59,500, is set by the county council. The Talbot County Council has increased the State's Attorney's salary to \$70,000 beginning in calendar 2003. Salary adjustments for constitutional officers take effect at the beginning of the next term of office.

The State's Attorney for Dorchester County must serve full-time, but is not expressly prohibited from engaging in the private practice of law. The State's Attorney for Talbot County may serve part-time and engage in the private practice of law. However, the State's Attorney cannot appear professionally in any criminal proceeding in the State,

unless it is in connection with and in the performance of the State's Attorney's official duties. In most counties, the State's Attorney is specifically prohibited from engaging in the private practice of law while in office. However, in Carroll and Garrett counties, the State's Attorney is required to serve full-time, but is not expressly prohibited from engaging in the private practice of law.

**Background:** The Talbot County Council was authorized to set the State's Attorney's salary with Chapter 5 of 1975. Salaries of State's Attorneys in 15 counties are tied to the salaries of judges. As shown in **Exhibit 1**, the salaries are tied to District Court judges in 13 counties and to circuit court judges in two counties.

### Exhibit 1

| <u>County</u>  | <u>Percentage of Judge's Salary<br/>(of a District Court judge's salary, unless otherwise specified)</u> |   |
|----------------|--|---|
| Allegany*      | 90%  |   |
| Anne Arundel** | 100%   | (of a circuit court judge's salary as of 12/31/02, increasing 3% per yr. beginning in 2004) |
| Baltimore Co.  | 100%   | (of a circuit court judge's salary, increasing 5% annually)                                 |
| Calvert        | 90%  |   |
| Carroll        | 80%  |   |
| Cecil          | 95%  |   |
| Charles        | 90%  |   |
| Dorchester     | 80%  |   |
| Frederick      | 80%  |   |
| Howard         | 100%   |   |
| Queen Anne's   | 90%  |   |
| St. Mary's     | 90%  |   |
| Washington     | 90%  |   |
| Wicomico       | 90%  |   |
| Worcester      | 90%  | (except that the county commissioners may set a higher salary)                              |

\*In Allegany County, the deputy State's Attorneys must receive not less than 80% of the salary of the State's Attorney.

\*\*In Anne Arundel County, the deputy State's Attorneys must receive not less than 90% of the salary of the State's Attorney and the assistant State's attorneys must receive not less than 80% of the State's Attorney's salary.

#### *District Court Judges Salary*

The salary for a District Court judge is currently set at \$111,500.

**Local Fiscal Effect:** The salary of the Talbot County State's Attorney would increase from \$70,000 to \$89,200 beginning in January 2003. Talbot County expenditures would increase by \$12,480 in fiscal 2003 for additional salary (\$9,600) and fringe benefits (\$2,880). This reflects salary adjustments for a six-month period (January 2003 – June 2003). Beginning in fiscal 2004, county expenditures would increase by \$24,960 annually which reflects annualization.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 238 (Delegate Schisler, *et al.*) – Judiciary.

**Information Source(s):** Talbot County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2002  
ncs/hlb Revised - Senate Third Reader - March 28, 2002  
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