Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 541 (Washington County Delegation)

Environmental Matters   Judicial Proceedings

Washington County - Deputy State's Attorneys

This bill requires the Washington County State's Attorney to appoint at least one but not more than two deputy State's Attorneys.

Fiscal Summary

State Effect: None.

Local Effect: Washington County expenditures could increase by approximately $6,100 beginning in FY 2005 and by approximately $8,100 each year thereafter.

Small Business Effect: None.

Analysis

Current Law: In Washington County, the State's Attorney must appoint one deputy State's Attorney whose salary is determined by the county commissioners.

The State's Attorney in Baltimore County is required to appoint two deputy State's Attorneys. The State's Attorney in Calvert County is required to appoint one deputy State's Attorney, with the approval of the Calvert County Commissioners.

The State's Attorneys in Baltimore City and Allegany, Anne Arundel, Carroll, Frederick, Harford, Howard, Montgomery, and Prince George's counties are each authorized to appoint two deputy State's Attorneys. The State's Attorneys in Cecil and St. Mary's counties are each authorized to appoint one deputy State's Attorney. The State's

Attorneys in Charles, Kent, Talbot, and Worcester counties are each authorized to appoint any number of deputy State's Attorneys.

Generally, the salaries of deputy State's Attorneys are set by the governing body of the local jurisdiction. In Allegany County, the deputy State's Attorneys' salaries must be at least 80% of the State's Attorney's salary. In Anne Arundel County, the State's Attorney may set the salary of the deputy State's Attorney with the approval of the county as long as the salaries do not exceed 90% of the State's Attorney's salary. In Baltimore, Carroll, Charles, and Frederick counties, the State's Attorney may set the salary of the deputy State's Attorney with the approval of the county. In Prince George's County, the salary of the deputy State's Attorney may be set by the State's Attorney in an amount not to exceed $108,000. In Montgomery County, deputy State's Attorneys are in the county's merit system.

Local Fiscal Effect: Washington County advises that the State's Attorney would appoint a second deputy State's Attorney. The county further advises that the county employs eight assistant State's Attorneys and that the second deputy State's Attorney would be reclassified from one of the existing assistant State's Attorney positions. Although the county would have the authority to replace the assistant State's Attorney, it has no plans to do so at the current time. Washington County advises that the current deputy State's Attorney earns a salary of $79,089. The county advises that the second deputy State's Attorney would be junior to the current deputy State's Attorney and earn a slightly lower salary.

For illustrative purposes only, it is assumed that the salary of the new deputy State's Attorney would be $74,000 and the salary of an assistant State's Attorney selected to be the second deputy State's Attorney is currently $68,000. Accordingly, Washington County expenditures could increase by approximately $6,100 in fiscal 2005 for salary ($4,500) and benefits ($1,600) given the bill's October 1, 2004 effective date. County expenditures would increase by $8,100 annually thereafter. Any impact depends on the salary set for the second deputy State's Attorney and the salary of the current assistant State's Attorney selected for the position.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 9, 2004
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