
By: **Harford County Senators**

Introduced and read first time: February 28, 2005

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 4, 2005

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 2005

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of increasing the salary of the State's Attorney for Harford County
 4 by certain amounts by certain dates; providing for the calculation of the annual
 5 salary of the State's Attorney on and after a certain date; establishing a limit on
 6 the annual salary increase under certain circumstances; providing that this Act
 7 does not apply to the salary or compensation of the incumbent State's Attorney;
 8 and generally relating to the salary of the State's Attorney for Harford County.

9 BY repealing and reenacting, with amendments,
 10 Article 10 - Legal Officials
 11 Section 40(m)
 12 Annotated Code of Maryland
 13 (2001 Replacement Volume and 2004 Supplement)

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

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

20 1. [\$72,500 through June 30, 1998;

- 1 2. \$74,500 commencing July 1, 1998 through June 30, 2000;
 2 3. \$76,500 commencing July 1, 2000;
 3 4. \$78,500 commencing July 1, 2001;
 4 5. \$80,320 commencing July 1, 2002;
 5 6. \$85,160 commencing July 1, 2003; and
 6 7.] \$90,000 commencing July 1, 2004 [and thereafter]; AND

7 2. \$98,500 COMMENCING ~~JULY 1, 2006~~ JANUARY 1, 2007,
 8 THEREAFTER TO BE ADJUSTED ANNUALLY ON JULY 1 IN ACCORDANCE WITH
 9 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

10 (II) 1. ON AND AFTER JULY 1, ~~2006~~ 2007, THE ANNUAL SALARY OF
 11 THE STATE'S ATTORNEY SHALL BE ADJUSTED ANNUALLY TO REFLECT THE ANNUAL
 12 CHANGE IN THE "CONSUMER PRICE INDEX" FOR "ALL URBAN CONSUMERS" FOR THE
 13 EXPENDITURE CATEGORY "ALL ITEMS NOT SEASONALLY ADJUSTED", AND FOR ALL
 14 REGIONS. THE ANNUAL CONSUMER PRICE INDEX FOR THE PERIOD ENDING EACH
 15 DECEMBER, AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE U.S.
 16 DEPARTMENT OF LABOR, SHALL BE USED TO ADJUST THE ANNUAL SALARY OF THE
 17 STATE'S ATTORNEY WHILE IN OFFICE.

18 2. NOTWITHSTANDING ~~ITEM~~ SUBSUBPARAGRAPH 1 OF THIS
 19 SUBPARAGRAPH, THE ANNUAL ADJUSTMENT TO THE ANNUAL SALARY OF THE
 20 STATE'S ATTORNEY MAY NOT EXCEED 3 PERCENT IN ANY FISCAL YEAR.

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

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

28 1. Up to two deputy State's Attorneys; 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 Attorneys and the assistant State's Attorneys
 34 have the same legal powers as the State's Attorney to represent the State before
 35 grand juries and in the trial of criminal proceedings.

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, §
15 35 of the Maryland Constitution, this Act may not be construed to extend or apply to
16 the salary or compensation of the State's Attorney for Harford County in office on the
17 effective date of this Act, but the provisions of this Act concerning the salary or
18 compensation of the State's Attorney for Harford County shall take effect at the
19 beginning of the next following term of office.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.