

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 100

(Delegate Elmore)

Judiciary

Judicial Proceedings

Somerset County - State's Attorney's Office - Deputy State's Attorney

This bill authorizes the State's Attorney of Somerset County to appoint a deputy State's Attorney. The salary of the deputy State's Attorney must be set by the county commissioners and cannot exceed the salary of the State's Attorney.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: None. This bill would affect local government operations only.

Local Effect: Somerset County expenditures could increase by \$2,800 in FY 2006. Future year expenditures reflect a 2.5% annual salary adjustment. County revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: The State's Attorney for Somerset County is authorized to appoint one or more assistants and may hire one or more investigators as provided for in the county budget.

Background: The State's Attorneys may appoint two deputy State's Attorneys in Allegany, Anne Arundel, Carroll, Frederick, Harford, Howard, Montgomery, and Prince George's counties, while the State's Attorney in Baltimore County must appoint two.

Furthermore, the State’s Attorneys in Cecil and St. Mary’s counties may appoint one deputy State’s Attorney, whereas the State’s Attorney in Calvert County must appoint one deputy State’s Attorney. The State’s Attorney in Washington County must appoint one deputy State’s Attorney, but may appoint a second one. The State’s Attorneys in Charles and Kent counties are each authorized to appoint any number of deputy State’s Attorneys; whereas the State’s Attorneys in Talbot and Worcester counties may appoint as many as are approved by the county council or county commission, respectively.

In general, 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 Montgomery County, deputy State’s Attorneys are in the county’s merit system. 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.

Local Fiscal Effect: Somerset County advises that it will elevate the incumbent assistant State’s Attorney to the position of deputy State’s Attorney. Currently, there is only one assistant State’s Attorney in Somerset County, and the county advises that it does not intend to fill the assistant State’s Attorney position when the assistant State’s Attorney is promoted to deputy State’s Attorney. While the exact salary to be approved is unknown, the county advises that it expects that promoting the assistant State’s Attorney will result in an increase of \$2,770 for salary (\$2,337) and fringe benefits (\$433). Additionally, the county expects a 2.5% salary increase for out-years.

Exhibit 1
Cost of Elevating Somerset County Assistant State’s Attorney
to Deputy State’s Attorney

	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>
Salary	\$58,438	\$60,775	\$2,337
Benefits	10,811	11,244	433
Total	\$69,249	\$72,019	\$2,770

Source: Somerset County

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 24, 2005
n/hlb

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