

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 1529

(Delegate Eckardt)

Environmental Matters

Judicial Proceedings

---

Dorchester County - State's Attorney's Office - Salaries, Expenses, and  
Employees

---

This bill clarifies that the State's Attorney for Dorchester County, while in office, may not engage in the private practice of law at any time and in any jurisdiction. Additionally, the bill specifies that the State's Attorney may not professionally appear in any criminal proceeding in the State, which is not connected with the performance and duties of the office. The bill also makes provisions for staff and an expense allowance for the Dorchester County State's Attorney.

The bill takes effect June 1, 2005.

---

Fiscal Summary

**State Effect:** None.

**Local Effect:** The bill would not materially impact Dorchester County finances.

**Small Business Effect:** None.

---

Analysis

**Bill Summary:** The bill authorizes the State's Attorney to appoint as many full-time or part-time deputy and assistant State's Attorneys as approved by the Dorchester County Council. The bill specifies that the deputies and assistants serve at the pleasure of the State's Attorney, and their salaries and compensation are to be set by the county council. Additionally, the State's Attorney may employ administrative and clerical employees as

approved by the county council. The compensation for administrative and clerical staff is to be in accordance with the county's pay scale, and they are to be considered county employees and eligible for membership in the appropriate pension system. The bill also specifies that the State's Attorney for Dorchester County is entitled to an expense allowance.

**Current Law:** The State's Attorney for Dorchester County serves full-time, and is prohibited from engaging in the private practice of law. The Dorchester County Commissioners are required to pay reasonable expenses for the operation of State's Attorney's office, including rent, clerical, and secretarial expenses upon vouchers submitted by the State's Attorney.

Additionally, the Dorchester County State's Attorney is authorized to appoint and fix the compensation of assistant State's Attorneys, with the approval of the judge of the circuit court for Dorchester County.

**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.

In general, State's Attorneys may appoint as many assistants as approved by the governing body of each county, or as provided in the county's budget. The salaries of which are generally set by the governing body of the local jurisdiction.

**Local Fiscal Effect:** Dorchester County advises that specifying which items are to be included in the Dorchester County State's Attorney's expense allowance and specifying how the administrative and clerical staff of the Dorchester County State's Attorney's office are to be considered county employees would not materially impact county finances.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 21, 2005  
n/hlb

---

Analysis by: Joshua A. Watters

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510