

HOUSE BILL 1186

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8lr2633

By: **Delegates Sophocleus, Beidle, V. Clagett, Love, and McConkey**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the State's Attorney - Repeal of Obsolete Provisions**

3 FOR the purpose of repealing certain obsolete provisions concerning the Office of the
4 State's Attorney, including provisions requiring the State's Attorney to aid the
5 Comptroller and State Treasurer in adjusting accounts of county office holders,
6 order execution to be issued for the recovery of certain moneys, and submit
7 certain information to certain judges for certification before receiving certain
8 funds; and generally relating to the Office of the State's Attorney.

9 BY repealing

10 Article - Criminal Procedure

11 Section 15-103, 15-106, and 15-107

12 Annotated Code of Maryland

13 (2001 Volume and 2007 Supplement)

14 (As enacted by Chapter ___ (S.B. 37) of the Acts of the General Assembly of
15 2008)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Procedure**

19 [15-103.

20 (a) A State's Attorney:

21 (1) with respect to the county served by the State's Attorney, shall aid
22 the Comptroller and State Treasurer in the adjustment of the accounts that the clerk
23 of the circuit court, the register of wills, and the sheriff have with the State; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) when required, shall advise the Comptroller and State Treasurer
2 of the allowances that the Comptroller or State Treasurer should make the accountant
3 for insolvency or nonresidence.

4 (b) For the services described in subsection (a) of this section and
5 professional services in the collection of State revenue, the Comptroller may allow a
6 State's Attorney 5% of all money sued for and paid into the State treasury.]

7 [15-106.

8 On the application of the sheriff for the county served by a State's Attorney, the
9 State's Attorney shall order execution to be issued for the recovery of fines, penalties,
10 forfeitures, and costs imposed by a court of record in the State.]

11 [15-107.

12 (a) This section does not apply to Allegany County, Anne Arundel County,
13 Baltimore County, Calvert County, Garrett County, Montgomery County, Prince
14 George's County, Washington County, or Worcester County.

15 (b) (1) A State's Attorney shall make a full and particular accounting of
16 services rendered and expenses incurred by the State's Attorney and chargeable to the
17 county.

18 (2) The accounting shall include:

19 (i) the time and place that services were rendered; and

20 (ii) the expenses that were incurred.

21 (3) The accounting may include:

22 (i) a reasonable trial fee for each case actually tried, allowable
23 at the discretion of the court;

24 (ii) an appearance fee provided by law; and

25 (iii) reasonable compensation for other services performed.

26 (4) The State's Attorney shall submit the accounting to the judges of
27 the circuit court of the county served by the State's Attorney with an affidavit as to the
28 correctness of the accounting and the fairness of any charges.

29 (5) The judges of the circuit court shall examine the accounting
30 submitted by the State's Attorney.

1 (6) If the accounting is fair, reasonable, and properly chargeable to
2 the county, the judges of the circuit court shall certify the accounting.

3 (7) If the accounting is certified by a majority of the judges of the
4 circuit court, the accounting shall be filed with the clerk of the board of county
5 commissioners of the county served by the State's Attorney.

6 (c) On the filing of a certified accounting with the clerk of the board of
7 county commissioners under subsection (b) of this section, the county commissioners
8 shall:

9 (1) approve the accounting; and

10 (2) levy and collect the amount charged by the State's Attorney in the
11 same time and manner that other county taxes are levied and collected.

12 (d) This section does not prohibit a board of county commissioners from
13 providing the office of a State's Attorney a larger appropriation than the amount that
14 is allowed and certified by the judges of the circuit court under subsection (b) of this
15 section.]

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2008.