

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

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

10 [15-106.

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

14 [15-107.

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

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

21 (2) The accounting shall include:

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

23 (ii) the expenses that were incurred.

24 (3) The accounting may include:

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

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

28 (iii) reasonable compensation for other services performed.

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

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

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

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

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

11 (1) approve the accounting; and

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.