

CHAPTER 678

(House Bill 1030)

AN ACT concerning

Prince George's County – State's Attorney's Office – Composition and Salaries

PG 304-08

FOR the purpose of ~~repealing the method of determining~~ specifying the amount of the annual salary of the State's Attorney for Prince George's County ~~beginning with a for certain calendar year years; specifying that the annual salary of the State's Attorney beginning with a certain calendar year shall equal the salary of a circuit court judge; providing that the County Executive and County Council may set the salary of the State's Attorney at a higher amount by enacting an ordinance before a certain deadline;~~ repealing the maximum number of and maximum salary for deputy and assistant State's Attorneys for Prince George's County; specifying that the State's Attorney may appoint the number of deputy and assistant State's Attorneys that are authorized by law by the County Executive and County Council; specifying that the maximum salary for deputy and assistant State's Attorneys shall be as authorized by law by the County Executive and County Council; repealing the maximum annual salary of a certain administrative assistant to the State's Attorney; specifying that the maximum salary of a certain administrative assistant shall be as authorized by law by the County Executive and County Council; making stylistic changes; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney for Prince George's County; providing for the construction of this Act; and generally relating to the composition of and salaries in the office of the State's Attorney for Prince George's County.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 15-417(a)

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

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

BY repealing and reenacting, with amendments,

~~Article 10 – Legal Officials~~

~~Section 40(q)(1) through (4) and (7)~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2007 Supplement)~~

Article – Criminal Procedure
Section 15–417(b), (c), and (d)(1)

Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

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

~~Article 10 – Legal Officials~~

~~40.~~

~~(q) In Prince George’s County:~~

~~(1) (i) The State’s Attorney’s annual salary shall be:~~

~~1. \$107,775 for calendar year 1999;~~

~~2. \$107,775 for calendar year 2000;~~

~~3. \$111,000 for calendar year 2001;~~

~~4. \$114,300 for calendar year 2002;~~

~~5. \$119,900 for calendar year 2003;~~

~~6. \$119,900 for calendar year 2004; and~~

~~7.] \$125,500 for calendar year 2005 and for each subsequent calendar year THROUGH CALENDAR YEAR 2010.~~

~~(ii) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, BEGINNING IN CALENDAR YEAR 2011 AND FOR EACH SUBSEQUENT CALENDAR YEAR, THE STATE’S ATTORNEY’S ANNUAL SALARY SHALL EQUAL THE SALARY OF A CIRCUIT COURT JUDGE.~~

~~2. BY ENACTING AN ORDINANCE BEFORE THE ELECTION FILING DEADLINE FOR THE NEXT TERM OF OFFICE FOR THE STATE’S ATTORNEY, THE COUNTY COUNCIL MAY SET THE SALARY AT AN AMOUNT EXCEEDING THE SALARY OF A CIRCUIT COURT JUDGE.~~

~~(iii) The State’s Attorney may not, except in connection with duties as State’s Attorney, appear as counsel or represent any party professionally~~

~~before any court, board, commission, or agency of this State or any county or political subdivision of this State.~~

~~(IV) The State's Attorney may not engage in the private practice of law but may participate in the pro bono program administered by the Prince George's County Bar Foundation.~~

~~(2) (I) The State's Attorney may appoint [two] THE NUMBER OF deputy State's Attorneys and [80] assistant State's Attorneys AS AUTHORIZED BY LAW BY THE COUNTY COUNCIL.~~

~~(II) The deputy State's Attorneys and assistant State's Attorneys serve at the pleasure of the State's Attorney.~~

~~(3) The annual salary of the deputy State's Attorneys shall be within the discretion of the State's Attorney, but may not exceed [\$115,000. The salaries are to be paid by the county on the certification of the State's Attorney to the County Executive and] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE County Council.~~

~~(4) The annual salary of the assistant State's Attorneys shall be within the discretion of the State's Attorney, but may not exceed [\$107,000. The salaries are to be paid by the county on the certification of the State's Attorney to the County Executive and] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE County Council.~~

~~(7) (I) The State's Attorney may appoint an administrative assistant to serve at the pleasure of the State's Attorney.~~

~~(II) The annual salary of the administrative assistant shall be within the discretion of the State's Attorney, but may not exceed [\$64,000. The salary is to be paid by the county on the certification of the State's Attorney to the County Executive and] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE County Council.~~

~~(III) The administrative assistant is not subject to the rules and regulations of the county merit system, but shall be entitled to all benefits provided for county employees under the merit system.~~

Article - Criminal Procedure

15-417.

(a) This section applies only in Prince George's County.

~~(b) (1) (i) The State's Attorney's salary is \$125,500 FOR CALENDAR YEAR 2008 AND FOR EACH SUBSEQUENT CALENDAR YEAR THROUGH CALENDAR YEAR 2010.~~

~~(ii) SUBJECT TO SUBPARAGRAPH (iii) OF THIS PARAGRAPH, BEGINNING IN CALENDAR YEAR 2011 AND FOR EACH SUBSEQUENT CALENDAR YEAR, THE STATE'S ATTORNEY'S ANNUAL SALARY SHALL EQUAL THE SALARY OF A CIRCUIT COURT JUDGE.~~

~~(iii) BY ENACTING AN ORDINANCE BEFORE THE ELECTION FILING DEADLINE FOR THE NEXT TERM OF OFFICE FOR THE STATE'S ATTORNEY, THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY SET THE SALARY AT AN AMOUNT EXCEEDING THE SALARY OF A CIRCUIT COURT JUDGE \$150,000.~~

(2) The State's Attorney's salary and expenses shall be paid in equal semimonthly installments.

(c) (1) The State's Attorney may appoint [two] THE NUMBER OF deputy State's Attorneys and [80] assistant State's Attorneys AS AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(2) The deputy and assistant State's Attorneys serve at the pleasure of the State's Attorney.

(3) The salary of a deputy State's Attorney shall be within the discretion of the State's Attorney but may not exceed [\$115,000] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(4) The salary of an assistant State's Attorney shall be within the discretion of the State's Attorney but may not exceed [\$107,000] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(5) The county shall pay the salaries of the deputy and assistant State's Attorneys[:]

(i) on certification of the State's Attorney to the County Executive and County Council; and

(ii) in equal semimonthly installments.

(6) The deputy and assistant State's Attorneys:

(i) shall perform the work directed by the State's Attorney or as authorized by law; and

(ii) under the direction of the State's Attorney, may present cases to the grand jury, sign indictments and criminal informations, and perform other necessary duties relating to the grand jury and the operation of the office.

(d) (1) (i) The State's Attorney may appoint an administrative assistant who serves at the pleasure of the State's Attorney.

(ii) The salary of the administrative assistant shall be within the discretion of the State's Attorney but may not exceed [\$64,000] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(iii) [The county shall pay the salary of the administrative assistant on certification of the State's Attorney to the County Executive and County Council.

(iv)] The administrative assistant is not subject to the regulations of the county merit system but is entitled to the same benefits as a county employee under the merit system.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to authorize a different maximum salary than \$115,000 for a deputy State's Attorney, \$107,000 for an assistant State's Attorney, or \$64,000 for an administrative assistant to the State's Attorney unless and until a different maximum salary for the office of deputy State's Attorney or assistant State's Attorney or the administrative assistant to the State's Attorney is authorized by law by the Prince George's County Executive and County Council. This Act may not be construed to authorize a different maximum number of deputy or assistant State's Attorneys than two deputy State's Attorneys or 80 assistant State's Attorneys unless and until a different maximum number of deputy or assistant State's Attorneys is authorized by law by the Prince George's County Executive and County Council.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 22, 2008.