

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1186

(Delegate Sophocleus, *et al.*)

Judiciary

Judicial Proceedings

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

This bill repeals obsolete provisions relating to the Office of the State's Attorney.

Fiscal Summary

State Effect: The bill would not affect State operations or finances. The bill repeals obsolete provisions.

Local Effect: The bill would not affect local government operations or finances. The bill repeals obsolete provisions.

Small Business Effect: None.

Analysis

Current Law: A State's Attorney, within his/her respective county, must aid the Comptroller and the State Treasurer in the adjustment of the accounts that the clerk of the circuit court, the register of wills, and the sheriff have with the State; and must advise the Comptroller and State Treasurer accordingly as to any allowances that should be made. A State's Attorney may be compensated for such services and professional services in the collection of State revenues with 5% of all money sued for and paid into the State treasury.

The State's Attorney must, at the request of the county's sheriff, order execution to be issued for the recovery of fines, penalties, forfeitures, and costs imposed by a court of record in the State.

In specified counties, a State's Attorney shall make and submit to the judges of the circuit court an accounting of services rendered and expenses incurred by the State's Attorney and chargeable to the county. Once examined and certified by the judges, the accounting is filed with the clerk of the board of county commissioners, who must approve the accounting and levy and collect the amount charged by the State's Attorney in the same time and manner as other county taxes are levied and collected.

This bill would repeal these obsolete provisions.

Background: The Criminal Procedure Article Additions Review Committee notes that the various State's Attorneys, in practice, do not prepare the reports nor provide the services referenced in the above provisions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, State Treasurer's Office, Department of Legislative Services

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mll/jr

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