

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

Senate Bill 950 (Senators Brinkley and Mooney)  
Judicial Proceedings

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**Frederick County - State's Attorney - Annual Salary**

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This bill alters the annual salary of the State's Attorney for Frederick County from being set equal to the salary of a judge of the District Court of Maryland to being set equal to the salary of a circuit court judge.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Frederick County personnel expenditures will increase by \$8,100 in FY 2011 and by \$16,100 in FY 2012 and subsequent years, subject to any change in the salary of a District Court and circuit court judge. Revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The annual salary of the State's Attorney for Frederick County is equal to that of a District Court judge, which is currently \$127,252. The annual salary of a circuit court judge is \$140,352. Salary adjustments for constitutional officers take effect at the beginning of the next term of office, which will be January 3, 2011 for the State's Attorney for Frederick County.

The Judicial Compensation Commission, established in 1980, is charged with studying and making recommendations regarding all aspects of judicial compensation to ensure that highly qualified persons will be attracted to the bench and will continue to serve without undue economic hardship.

A joint resolution incorporating the commission’s salary recommendations must be introduced in each house of the General Assembly by the fifteenth day of the session following the commission’s proposals. The General Assembly may amend the joint resolution to decrease, but not increase, any of the salary recommendations, and it may not reduce the salary of a judge below current levels. Failure by both houses of the General Assembly to adopt or amend a joint resolution within 50 calendar days after its introduction results in adoption of the salary recommendations. If the General Assembly rejects any of the commission’s recommendations, the salaries of the judges affected remain unchanged, unless modified under other provisions of law.

SJ 4/HJ 2 of 2009 incorporated the commission’s recommendations for judicial salary increases for fiscal 2010 through 2013. However, Chapter 2 of 2009 altered the meeting schedule for the Judicial Compensation Commission by requiring it to meet on September 1, 2009 and every four years thereafter. In addition, Chapter 2 establishes that, for the 2009 session only, the failure of the General Assembly to pass the joint resolution of the Judicial Compensation Commission by the fiftieth day of session may not deem effective the salary increases within the resolution.

**Background:** **Exhibit 1** shows the actual fiscal 2008 salaries for the State’s Attorney in selected counties.

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**Exhibit 1**  
**State’s Attorney Salaries for Selected Counties**  
**Fiscal 2008 Actuals**

<u>County</u>	<u>2007 Population</u>	<u>Salary</u>
Allegany	72,594	\$106,652
Carroll	169,220	94,842
Frederick	224,705	127,252
Garrett	29,627	98,202
Washington	145,113	106,652
<b>Average</b>	<b>128,252</b>	<b>\$106,720</b>

Source: *Salary Survey of Maryland County Government, FY 2008*, Maryland Association of Counties

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**Exhibit 2** shows the Judicial Compensation Commission’s salary recommendations for circuit court judges and District Court judges. These recommendations maintain the current \$13,100 difference between the two salaries.

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**Exhibit 2**  
**Selected Recommendations of the Judicial Compensation Commission**

<b><u>Judges' Salary Proposal</u></b>	<b><u>Current Salary</u></b>	<b><u>Proposed FY 2010</u></b>	<b><u>Proposed FY 2011</u></b>	<b><u>Proposed FY 2012</u></b>	<b><u>Proposed FY 2013</u></b>
Circuit Court	\$140,352	\$149,463	\$159,121	\$169,358	\$180,210
District Court	127,252	136,363	146,021	156,258	167,110
Difference	\$13,100	\$13,100	\$13,100	\$13,100	\$13,100

Source: Report of the Judicial Compensation Commission

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**Local Expenditures:** The next term of office for the State's Attorney for Frederick County begins January 3, 2011. Accordingly, assuming the difference between the salary for a circuit court judge and a District Court judge remains constant, Frederick County personnel expenditures increase by \$8,057 in fiscal 2011 for salary (\$6,550) and fringe benefits (\$1,507). This reflects salary adjustments for a six-month period (January 2011 through June 2011). Frederick County expenditures increase by \$16,113 annually beginning in fiscal 2012 for salary (\$13,100) and fringe benefits (\$3,013), assuming a constant fringe benefits rate of 23% as advised by the county.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1326 (Frederick County Delegation) - Environmental Matters.

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

**Fiscal Note History:** First Reader - March 20, 2009  
ncs/mwc

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