

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 390

(Dorchester County Delegation)

Environmental Matters

Judicial Proceedings

Office of the State's Attorney - Dorchester County - Authority to Appoint
Criminal Investigators

This bill authorizes the State's Attorney for Dorchester County to appoint criminal investigators, subject to the approval of the county council.

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: Dorchester County expenditures may increase by approximately \$25,900 in FY 2015, which reflects the bill's October 1, 2014 effective date, and by approximately \$34,500 annually thereafter, to appoint one full-time criminal investigator.

Small Business Effect: None.

Analysis

Bill Summary: The State's Attorney may appoint full-time or part-time criminal investigators. If more than one investigator is appointed, the State's Attorney may designate one as the chief investigator and assign other ranks and titles to the other investigators. An investigator serves at the pleasure of the State's Attorney and must perform the duties designated by the State's Attorney. An investigator is subject to the regulations of the State's Attorney and must take an oath of office that the clerk of the circuit court administers. An investigator must meet the criteria regarding training and experience that the State's Attorney requires. The investigator may serve a summons or subpoena that the State's Attorney issues and may wear or display appropriate metallic badges that the State's Attorney authorizes.

The State's Attorney may designate a criminal investigator as a peace officer if the criminal investigator meets the selection and training standards of the Police Training Commission as set forth in statute. In addition to the authority, duties, and limitations set forth above, a criminal investigator designated as a peace officer may (1) arrest a person who commits a crime in the county or in a municipal corporation in the county; (2) serve a warrant, summons, or subpoena that has been issued by the District Court in the county or a circuit court; and (3) possess and carry a firearm, including a handgun or any other weapon that the State's Attorney requires.

A criminal investigator, whether designated as a peace officer or not, is not subject to the Law Enforcement Officers' Bill of Rights.

Current Law: The State's Attorney in Dorchester County may appoint the number of full-time or part-time deputy State's Attorneys and assistant State's Attorneys that the county council approves. Subject to the approval of the county council, the State's Attorney may also employ administrative and clerical employees. Statutory language does not specifically prohibit or authorize the hiring of an investigator. State's Attorney's Offices in 12 jurisdictions are specifically authorized in statute to hire criminal investigators or investigative staff.

The Law Enforcement Officers' Bill of Rights outlines certain procedures that must be followed in disciplining specified law enforcement officers.

Local Fiscal Effect: Subject to county council approval, Dorchester County expenditures increase by approximately \$25,875 in fiscal 2015, which assumes an October 1, 2014 start date, and by approximately \$34,500 annually thereafter. This estimate reflects the salary and fringe benefits for one full-time criminal investigator. It does not reflect any other operating costs. If the county council approves the appointment of additional criminal investigators or only approves a part-time position, expenditures increase or decrease accordingly.

Additional Information

Prior Introductions: None.

Cross File: SB 57 (Senator Colburn) - Judicial Proceedings.

Information Source(s): Dorchester County, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2014
ncs/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510