

# HOUSE BILL 595

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By: **Delegates Mathias and Conway**

Introduced and read first time: January 31, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Worcester County – Office of the State’s Attorney**

3 FOR the purpose of altering certain personnel policies of the Office of the State’s  
4 Attorney of Worcester County; altering the salary of the State’s Attorney;  
5 providing that certain salaries, compensation, employee benefits, and expenses  
6 of the Office be subject to the annual budget process and approval of the county  
7 commissioners; specifying that employees of the Office are not employees of the  
8 county; altering the number of special investigators the State’s Attorney may  
9 appoint; authorizing the State’s Attorney to hire certain employees under  
10 certain circumstances; requiring that employees of the Office receive certain  
11 benefits and are under the control of the State’s Attorney; specifying that the  
12 State’s Attorney perform certain supervisory functions for certain employees;  
13 authorizing the State’s Attorney to adopt certain office practices and  
14 procedures; specifying that certain employees may be disciplined or terminated  
15 for cause only; requiring that certain employees remain in their positions and  
16 be considered rehired when a new State’s Attorney takes office or at the  
17 beginning of a new term of office; authorizing the county commissioners to  
18 provide in-kind support to the State’s Attorney for personnel matters; and  
19 generally relating to the Office of the State’s Attorney of Worcester County.

20 BY repealing and reenacting, with amendments,

21 Article – Criminal Procedure

22 Section 15-424

23 Annotated Code of Maryland

24 (2001 Volume and 2007 Supplement)

25 (As enacted by Chapter \_\_\_ (S.B. 37) of the Acts of the General Assembly of  
26 2008)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Procedure**

2 15–424.

3 (a) This section applies only in Worcester County.

4 (b) (1) Subject to paragraph (2) of this subsection, the State’s Attorney’s  
5 salary is 90% of the salary of a judge of the District Court of Maryland.6 (2) By enacting an ordinance before the election filing deadline for the  
7 next term of office for the State’s Attorney, the county commissioners may set the  
8 salary at an amount exceeding 90% of the salary of a judge of the District Court of  
9 Maryland.10 **(3) (I) ALL OTHER SALARIES, COMPENSATION, EMPLOYEE**  
11 **BENEFITS, AND EXPENSES OF THE OFFICE OF THE STATE’S ATTORNEY ARE**  
12 **SUBJECT TO THE ANNUAL BUDGET PROCESS AND APPROVAL OF THE COUNTY**  
13 **COMMISSIONERS IN ACCORDANCE WITH THE BUDGET AND FISCAL POLICIES**  
14 **AND PURCHASING LAWS OF THE COUNTY.**15 **(II) PROCESSING THE PAYROLL OF THE OFFICE OF THE**  
16 **STATE’S ATTORNEY AS PART OF THE PAYROLL OF THE COUNTY DOES NOT MAKE**  
17 **EMPLOYEES OF THE OFFICE OF THE STATE’S ATTORNEY THE EMPLOYEES OF**  
18 **THE COUNTY.**19 (c) (1) [(i)] The State’s Attorney may appoint the number of full–time  
20 or part–time deputy State’s Attorneys and assistant State’s Attorneys that the county  
21 commissioners approve.22 [(ii)](2) The deputy and assistant State’s Attorneys appointed  
23 under subparagraph (i) of this paragraph shall:24 [1.](I) serve at the pleasure of the State’s Attorney;  
25 and26 [2.](II) have the same legal powers as the State’s  
27 Attorney to present cases to the grand jury, represent the State in criminal  
28 proceedings, and perform necessary duties in relation to the grand jury and operation  
29 of the office **THAT THE STATE’S ATTORNEY REQUIRES.**30 [(iii)] The county commissioners shall approve the compensation  
31 of the deputy and assistant State’s Attorneys.32 (2) (i) In addition to the assistant State’s Attorney appointed  
33 under paragraph (1) of this subsection, with the approval of the resident circuit court

1 judge of the county, the State's Attorney may appoint two members of the Bar of  
2 Worcester County as assistant State's Attorneys.

3 (ii) One assistant State's Attorney appointed under this  
4 paragraph shall receive a salary set by the Board of County Commissioners that may  
5 not be less than \$16,000, including any state or federal funds provided for the position.

6 (iii) The other assistant State's Attorney appointed under this  
7 paragraph shall receive a salary that may not be less than \$12,000, including any  
8 State or federal funds provided for the position.

9 (3) (i) In addition to the assistant State's Attorneys appointed  
10 under paragraphs (1) and (2) of this subsection, with the prior approval of the resident  
11 circuit court judge of the county and the Board of County Commissioners, the State's  
12 Attorney may appoint additional assistant State's Attorneys as the State's Attorney  
13 considers necessary.

14 (ii) The salary of an assistant State's Attorney appointed under  
15 this paragraph shall be set and approved by the Board of County Commissioners.]

16 (d) [(1)] If authorized by an ordinance enacted by the county  
17 commissioners, the State's Attorney may appoint [two] special investigators who:

18 [(i)](1) shall serve at the pleasure of the State's Attorney;  
19 **AND**

20 [(ii)](2) shall perform work as directed by and under the  
21 supervision of the State's Attorney[; and

22 (iii) subject to paragraph (2) of this subsection, shall receive a  
23 salary determined by the county commissioners.

24 (2) The salary of one special investigator appointed under paragraph  
25 (1) of this subsection may not be less than \$12,000, including any State or federal  
26 funds provided for the position].

27 (e) [(1)] The State's Attorney shall serve full time and may not engage in  
28 the private practice of law.

29 [(2) (i) The assistant State's Attorney appointed under subsection  
30 (c)(2)(ii) of this section shall serve full time and may not engage in the private practice  
31 of law.

32 (ii) The assistant State's Attorney appointed under subsection  
33 (c)(2)(iii) of this section may engage in the private practice of law.

1 (3) A special investigator appointed under subsection (d) of this  
2 section shall serve full time and may not engage in other employment.]

3 (F) ON APPROVAL OF THE COUNTY COMMISSIONERS, THE STATE'S  
4 ATTORNEY MAY HIRE THE CLERICAL, SECRETARIAL, AND OFFICE EMPLOYEES  
5 THAT THE STATE'S ATTORNEY DETERMINES ARE NEEDED.

6 (G) ALL EMPLOYEES OF THE OFFICE OF THE STATE'S ATTORNEY,  
7 INCLUDING DEPUTY STATE'S ATTORNEYS, ASSISTANT STATE'S ATTORNEYS,  
8 INVESTIGATORS, CLERICAL WORKERS, SECRETARIES, AND OFFICE EMPLOYEES:

9 (1) ARE EMPLOYEES OF THE OFFICE OF THE STATE'S ATTORNEY  
10 AND NOT OF THE COUNTY COMMISSIONERS;

11 (2) SHALL RECEIVE THE SAME INSURANCE, RETIREMENT, AND  
12 LEAVE BENEFITS AS COUNTY EMPLOYEES; AND

13 (3) ARE UNDER THE CONTROL OF THE STATE'S ATTORNEY,  
14 SUBJECT TO THIS SECTION AND THE PERSONNEL RULES AND REGULATIONS  
15 THAT THE COUNTY COMMISSIONERS ADOPT BY RESOLUTION FOR COUNTY  
16 EMPLOYEES.

17 (H) THE STATE'S ATTORNEY SHALL PERFORM THE APPOINTMENT,  
18 DISCIPLINARY, TERMINATION, AND MANAGERIAL FUNCTIONS FOR ALL  
19 EMPLOYEES OF THE OFFICE OF THE STATE'S ATTORNEY WHO ARE COVERED BY  
20 THE PERSONNEL RULES AND REGULATIONS THAT THE COUNTY COMMISSIONERS  
21 ADOPT.

22 (I) THE STATE'S ATTORNEY MAY ADOPT OFFICE PRACTICES, MANUALS,  
23 RULES OF CONDUCT, AND OTHER PROCEDURES TO SERVE AS CONDITIONS OF  
24 EMPLOYMENT FOR EMPLOYEES OF THE OFFICE OF THE STATE'S ATTORNEY.

25 (J) (1) EXCEPT FOR MEMBERS OF THE STATE BAR WHO SERVE AS  
26 DEPUTY OR ASSISTANT STATE'S ATTORNEYS, EMPLOYEES OF THE OFFICE OF  
27 THE STATE'S ATTORNEY MAY BE DISCIPLINED OR TERMINATED FOR CAUSE  
28 ONLY IN ACCORDANCE WITH THIS SECTION AND THE PERSONNEL RULES AND  
29 REGULATIONS THAT THE COUNTY COMMISSIONERS ADOPT.

30 (2) WHEN A NEW STATE'S ATTORNEY TAKES OFFICE OR AT THE  
31 BEGINNING OF A NEW TERM OF A STATE'S ATTORNEY, ALL CLERICAL,  
32 SECRETARIAL, OFFICE, AND OTHER EMPLOYEES EXCEPT FOR DEPUTY AND  
33 ASSISTANT STATE'S ATTORNEYS SHALL REMAIN IN THEIR POSITIONS AND  
34 SHALL BE CONSIDERED REHIRED.

1           **(K) ON REQUEST OF THE STATE’S ATTORNEY, THE COUNTY**  
2 **COMMISSIONERS MAY PROVIDE IN-KIND SUPPORT TO THE STATE’S ATTORNEY**  
3 **FOR PERSONNEL MATTERS.**

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