

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 595

(Delegates Mathias and Conway)

Environmental Matters

Judicial Proceedings

Worcester County - Office of the State's Attorney

This bill alters personnel policies for employees of the Worcester County State's Attorney Office.

Fiscal Summary

State Effect: None.

Local Effect: The bill would not affect Worcester County finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies that employees of the Worcester County State's Attorney Office receive the same insurance, retirement, and leave benefits as county employees. Salaries, compensation, employee benefits, and expenses for the State's Attorney Office are subject to the annual budget process and approval of the county commissioners. Employees of the State's Attorney Office including deputy State's Attorneys, assistant State's Attorneys, investigators, clerical workers, secretaries, and office employees are classified as employees of the State's Attorney Office and not employees of the county commissioners.

On approval of the county commissioners, the Worcester County State's Attorney may hire the clerical, secretarial, and office employees needed and adopt office practices, manuals, rules of conduct, and other procedures to serve as conditions of employment. The State's Attorney must perform the appointment, disciplinary, termination, and managerial functions for all employees of the office.

The bill repeals the minimum salary limit for the assistant State's Attorneys and the special investigator. The bill also repeals the constraint that an assistant State's Attorney may not practice private law and that special investigators not engage in outside employment. Additionally, the bill specifies that when a new State's Attorney takes office or at the beginning of a new term, all clerical, secretarial, office, and other employees except for deputy and assistant State's Attorneys shall remain in their positions and be considered rehired.

Current Law: The Worcester County State's Attorney may appoint the number of full-time or part-time deputy State's Attorneys and assistant State's Attorneys that the county commissioners approve at a salary approved by the commissioners. One assistant State's Attorney must receive a salary of at least \$16,000 and may not engage in the private practice of law. The other assistant State's Attorney must receive a salary of at least \$12,000 and may engage in the private practice of law. With approval of the resident court judge and the county commissioners, the State's Attorney may appoint additional assistant State's Attorneys. The State's Attorney may hire two special investigators, one of which may not receive a salary less than \$12,000.

Background: The Worcester County State's Attorney Office has a \$1.4 million operating budget in fiscal 2008 and is staffed by 22.6 positions including 2 deputy State's Attorneys, 4.5 assistant State Attorneys, 3 investigators, and 1 mediation director.

Local Fiscal Effect: The bill would not alter salaries or authorize an increase in the number of employees for the Worcester County State's Attorney Office. Any change in salary or number of employees must still be approved by the county commissioners. Worcester County advises that the bill would not affect county expenditures or revenues.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 2, 2008
mll/hlb

Analysis by: Erik P. Timme

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