

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 639 (Senator Simonaire)
Judicial Proceedings

Anne Arundel County - State's Attorney and Deputy, Assistant, and Temporary
Assistant State's Attorneys - Annual Salary and Compensation

This bill alters the method by which the salary for the Anne Arundel County State's Attorney is set by authorizing the county council to approve an alternate annual salary for the State's Attorney before the start of each term of office. If an alternate amount is not approved, the existing statutory provision increasing the salary by 3% each calendar year remains applicable. The bill also specifies that the salaries of deputy State's Attorneys and assistant State's Attorneys, including temporary assistant State's Attorneys, are subject to approval by the county *council*.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal decrease in salary expenditures for Anne Arundel County beginning in FY 2015. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law/Background: Chapter 168 of 2000 established that for calendar 2003, the salary of the State's Attorney in Anne Arundel County was to be equal to the salary of a circuit court judge as of December 31, 2002. In each calendar year thereafter, the salary increases by 3%. Accordingly, the calendar 2014 salary for the Anne Arundel State's Attorney is \$165,551, which reflects a 3% increase over the calendar 2013 salary of

\$160,729. **Exhibit 1** shows the salary for the State’s Attorney in each county based on fiscal 2014 data (where available), as provided by the Maryland Association of Counties.

Exhibit 1
State’s Attorney Salaries
Fiscal 2014

County	Salary
Allegany	\$114,527
Anne Arundel ¹	160,729
Baltimore City	238,772
Baltimore	198,181
Calvert	114,527
Caroline	101,801
Carroll	101,802
Cecil	120,889
Charles	140,352
Dorchester	103,838
Frederick	140,351
Garrett	103,838
Harford	112,044
Howard	127,252
Kent	101,802
Montgomery ²	199,000
Prince George’s	150,000
Queen Anne’s	127,252
St. Mary’s	114,526
Somerset	98,000
Talbot	103,838
Washington	114,527
Wicomico	114,527
Worcester	114,527

¹Represents salary effective 1/1/2013.

²Represents salary effective 1/6/2014.

Source: Maryland Association of Counties

Salaries for the two deputy State's Attorneys are subject to the approval of the county and may not exceed 90% of the State's Attorney's salary. Salaries for assistant State's Attorneys are subject to approval by the county and may not exceed 80% of the State's Attorney's salary. Subject to approval by the administrative judge of the circuit court, the State's Attorney may appoint a temporary assistant State's Attorney for a particular case or series of cases. The State's Attorney may set compensation for the temporary assistant State's Attorney, subject to the approval of the county.

Senate Joint Resolution 3 of 2012 established the following salaries for circuit court judges: (1) \$144,908 in fiscal 2014; (2) 149,600 in fiscal 2015; and (3) \$154,433 in fiscal 2016. Until the salary increases established in 2012, judicial salaries had not increased since fiscal 2009.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public officer from being increased or diminished during the individual's term of office, except those whose full term is fixed by law in excess of four years.

Local Fiscal Effect: For purposes of this analysis, it is assumed that any potential alternate salary amount for the State's Attorney would be less than \$170,517, which represents the State's Attorney's calendar 2015 salary if the 3% increase takes effect. Accordingly, Anne Arundel County expenditures decrease minimally beginning in fiscal 2015 if the county council approves an alternate annual salary amount for the State's Attorney prior to the beginning of the next term of office.

Additional Information

Prior Introductions: SB 655 of 2013, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but was subsequently withdrawn. Its cross file, HB 1022, received a hearing in the House Environmental Matters Committee, but no further action was taken.

Cross File: HB 825 (Delegate McConkey) - Environmental Matters.

Information Source(s): Maryland Association of Counties, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2014
ncs/kdm

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