

# HOUSE BILL 1402

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4lr0802

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By: **Montgomery County Delegation**

Introduced and read first time: February 9, 2024

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – State’s Attorney’s Office Personnel – Application of**  
3 **County Personnel Laws and Collective Bargaining**

4 **MC 12–24**

5 FOR the purpose of requiring that certain employees of the Montgomery County State’s  
6 Attorney’s Office be subject to the Montgomery County personnel laws governing  
7 county employees; authorizing certain employees of the Office to organize and  
8 bargain collectively for terms and conditions of employment; requiring, for purposes  
9 of collective bargaining, the Montgomery County Executive and the Montgomery  
10 County State’s Attorney to be considered the employer of certain employees of the  
11 Office for certain purposes; subjecting funds required for a collective bargaining  
12 agreement negotiated with the State’s Attorney to the approval of the Montgomery  
13 County Executive; and generally relating to Montgomery County State’s Attorney’s  
14 Office personnel.

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Procedure  
17 Section 15–416(a)  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2023 Supplement)

20 BY adding to  
21 Article – Criminal Procedure  
22 Section 15–416(g)  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2023 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
26 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 15–416.

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

4 **(G) (1) EACH ELIGIBLE, FULL-TIME, NONEXEMPT EMPLOYEE OF THE**  
5 **STATE’S ATTORNEY’S OFFICE SHALL BE SUBJECT TO THE MONTGOMERY COUNTY**  
6 **PERSONNEL LAWS GOVERNING COUNTY EMPLOYEES.**7 **(2) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION,**  
8 **EMPLOYEES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING**  
9 **NONSUPERVISORY ASSISTANT STATE’S ATTORNEYS, MAY ORGANIZE AND BARGAIN**  
10 **COLLECTIVELY IN ACCORDANCE WITH CHAPTER 33, ARTICLE VII OF THE**  
11 **MONTGOMERY COUNTY CODE FOR COMPENSATION, INCLUDING PENSION AND**  
12 **FRINGE BENEFITS, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT.**13 **(3) THE COUNTY EXECUTIVE SHALL BE CONSIDERED THE EMPLOYER**  
14 **OF AN EMPLOYEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE**  
15 **PURPOSE OF COLLECTIVE BARGAINING FOR HOURS AND COMPENSATION,**  
16 **INCLUDING PENSION AND FRINGE BENEFITS.**17 **(4) (I) THE STATE’S ATTORNEY SHALL BE CONSIDERED THE**  
18 **EMPLOYER OF AN EMPLOYEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**  
19 **FOR THE PURPOSE OF COLLECTIVE BARGAINING FOR ALL OTHER TERMS AND**  
20 **CONDITIONS OF EMPLOYMENT NOT LISTED IN PARAGRAPH (3) OF THIS SUBSECTION.**21 **(II) THE FUNDING REQUIRED FOR A COLLECTIVE BARGAINING**  
22 **AGREEMENT NEGOTIATED BY THE STATE’S ATTORNEY UNDER THIS PARAGRAPH IS**  
23 **SUBJECT TO THE APPROVAL OF THE COUNTY EXECUTIVE.**24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2024.