

HOUSE BILL 390

D2, E2

4r2198
CF SB 57

By: **Dorchester County Delegation**

Introduced and read first time: January 23, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the State's Attorney – Dorchester County – Authority to Appoint**
3 **Criminal Investigators**

4 FOR the purpose of authorizing the State's Attorney for Dorchester County to appoint
5 certain criminal investigators, subject to the approval of the Dorchester County
6 Council; authorizing the State's Attorney for Dorchester County to designate a
7 chief investigator and assign other ranks and titles to certain criminal
8 investigators under certain circumstances; providing that a criminal
9 investigator who is appointed under this Act shall serve at the pleasure of the
10 State's Attorney for Dorchester County, is subject to the regulations of the
11 State's Attorney for Dorchester County, shall perform the duties that the State's
12 Attorney for Dorchester County designates, shall take a certain oath of office,
13 shall meet certain criteria regarding training and experience, may serve a
14 certain summons or subpoena, may wear or display certain badges, and is not
15 subject to the Law Enforcement Officers' Bill of Rights; authorizing the State's
16 Attorney for Dorchester County to designate a criminal investigator as a peace
17 officer under certain circumstances; providing that a criminal investigator
18 designated as a peace officer may not be subject to the Law Enforcement
19 Officers' Bill of Rights; authorizing a criminal investigator designated as a
20 peace officer to arrest a certain person, serve a certain warrant, summons, or
21 subpoena, and possess and carry a certain firearm; and generally relating to the
22 Office of the State's Attorney for Dorchester County.

23 BY repealing and reenacting, with amendments,
24 Article – Criminal Procedure
25 Section 15–410
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

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15–410.

(a) This section applies only in Dorchester County.

(b) (1) The State’s Attorney’s salary is 80% of the salary of a judge of the District Court of Maryland.

(2) Subject to the approval of the County Council, the State’s Attorney is entitled to an allowance for the expenses of operating the office, including the costs of telephone charges, office supplies and equipment, postage, travel, training, conferences, books and publications, and premiums on office bonds.

(c) (1) The 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 Council approves.

(2) The deputy and assistant State’s Attorneys shall:

(i) serve at the pleasure of the State’s Attorney;

(ii) receive compensation as approved by the County Council;

and

(iii) have the same legal powers as the State’s Attorney to present cases to the grand jury and perform all other necessary duties in relation to the grand jury and the operation of the office.

(d) Subject to the approval of the County Council, the State’s Attorney may employ administrative and clerical employees who shall:

(1) receive salaries in accordance with the county pay scale; and

(2) be considered county employees and members of the pension system in which a county employee is eligible for membership.

(E) (1) SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL, THE STATE’S ATTORNEY MAY APPOINT FULL–TIME OR PART–TIME CRIMINAL INVESTIGATORS.

(2) IF THE STATE’S ATTORNEY APPOINTS MORE THAN ONE CRIMINAL INVESTIGATOR, THE STATE’S ATTORNEY MAY DESIGNATE ONE AS CHIEF INVESTIGATOR AND ASSIGN OTHER RANKS AND TITLES TO THE OTHER CRIMINAL INVESTIGATORS.

1 **(3) A CRIMINAL INVESTIGATOR WHO IS APPOINTED UNDER THIS**
2 **SUBSECTION:**

3 **(I) SHALL SERVE AT THE PLEASURE OF THE STATE'S**
4 **ATTORNEY;**

5 **(II) IS SUBJECT TO THE REGULATIONS OF THE STATE'S**
6 **ATTORNEY;**

7 **(III) SHALL PERFORM THE DUTIES THAT THE STATE'S**
8 **ATTORNEY DESIGNATES;**

9 **(IV) SHALL TAKE AN OATH OF OFFICE THAT THE CLERK OF**
10 **THE CIRCUIT COURT ADMINISTERS;**

11 **(V) SHALL MEET THE CRITERIA REGARDING TRAINING AND**
12 **EXPERIENCE THAT THE STATE'S ATTORNEY REQUIRES;**

13 **(VI) MAY SERVE A SUMMONS OR SUBPOENA THAT THE**
14 **STATE'S ATTORNEY ISSUES;**

15 **(VII) MAY WEAR OR DISPLAY APPROPRIATE METALLIC**
16 **BADGES THAT THE STATE'S ATTORNEY AUTHORIZES; AND**

17 **(VIII) IS NOT SUBJECT TO TITLE 3, SUBTITLE 1 OF THE**
18 **PUBLIC SAFETY ARTICLE.**

19 **(4) THE STATE'S ATTORNEY MAY DESIGNATE A CRIMINAL**
20 **INVESTIGATOR AS A PEACE OFFICER IF THE CRIMINAL INVESTIGATOR MEETS**
21 **THE SELECTION AND TRAINING STANDARDS OF THE POLICE TRAINING**
22 **COMMISSION AS SET FORTH IN TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY**
23 **ARTICLE.**

24 **(5) A CRIMINAL INVESTIGATOR DESIGNATED AS A PEACE**
25 **OFFICER MAY NOT BE SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC**
26 **SAFETY ARTICLE.**

27 **(6) IN ADDITION TO THE AUTHORITY, DUTIES, AND LIMITATIONS**
28 **DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CRIMINAL**
29 **INVESTIGATOR DESIGNATED AS A PEACE OFFICER MAY:**

1 **(I) ARREST A PERSON WHO COMMITS A CRIME IN THE**
2 **COUNTY OR IN A MUNICIPAL CORPORATION IN THE COUNTY;**

3 **(II) SERVE A WARRANT, SUMMONS, OR SUBPOENA THAT THE**
4 **DISTRICT COURT OF MARYLAND IN THE COUNTY OR A CIRCUIT COURT ISSUES;**
5 **AND**

6 **(III) POSSESS AND CARRY A FIREARM, INCLUDING A**
7 **HANDGUN, OR ANY OTHER WEAPON THAT THE STATE'S ATTORNEY REQUIRES.**

8 **[(e)] (F)** The State's Attorney:

9 (1) shall serve full time;

10 (2) may not engage in the private practice of law; and

11 (3) except in connection with performing the duties of the office, may
12 not appear professionally in a criminal proceeding in the State.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2014.