

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1174
Judiciary

(Calvert County Delegation)

Judicial Proceedings

Calvert County - Civil Infractions - Prosecutorial Designations

This bill authorizes the State’s Attorney in Calvert County, subject to the approval of the county commissioners, to designate in writing the county attorney or an assistant county attorney to prosecute civil infractions. The designated county attorney or assistant county attorney may exercise the powers of the State’s Attorney in connection with a civil infraction.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: It is assumed that any operational impact for Calvert County does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: Section 6-108 of the Local Government Article authorizes the State’s Attorney for a county to prosecute a municipal infraction; a *municipality* may also designate an attorney to prosecute a municipal infraction in the same manner as the State’s Attorney for a county. Also, §11-206 of the Local Government Article explicitly authorizes the State’s Attorney in a code county to designate in writing the county attorney or an assistant county attorney to prosecute a civil infraction, subject to the approval of the county commissioners; the individual designated may exercise the powers of the State’s Attorney in connection with a civil infraction.

Calvert County is one of six counties that operate under the commission form of government. Commission counties have limited powers and only those powers that are expressly delegated by the General Assembly. Accordingly, in Calvert County, authorizing the State's Attorney to designate the county attorney or assistant county attorney to prosecute civil infractions must receive the approval of the General Assembly.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2023
km/jkb Third Reader - March 20, 2023

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