

Department of Legislative Services

Maryland General Assembly

2023 Session

FISCAL AND POLICY NOTE

Third Reader

Senate Bill 325

(Washington County Senators)

Judicial Proceedings

Environment and Transportation

Washington County - Sheriff's Salary - Alteration

This bill establishes that the salary of the Washington County Sheriff is equal to 90% of the salary of the State's Attorney of Washington County. The bill also repeals the requirement for the Washington County Salary Study Commission to study and issue a report that contains recommendations relating to the salary of the county sheriff. Pursuant to constitutional requirements, the salary increase takes effect at the beginning of the next term of office.

Fiscal Summary

State Effect: None.

Local Effect: Washington County expenditures increase by a *minimum* of \$21,100 in FY 2027 and \$36,200 annually thereafter. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Pursuant to statute, the Sheriff of Washington County receives an annual salary that is equal to the greater of (1) \$100,000 or (2) the salary set by the county commissioners under Title 28, Subtitle 2 of the Local Government Article (provisions relating to the Washington County Salary Study Commission). The Washington County Salary Study Commission is charged with studying the salaries of specified public officials in the county (including the sheriff) and making recommendations to the county commissioners for review and consideration. Within 60 days after receiving the

recommendations of the commission, the county commissioners may accept, reduce, or reject the salary recommendations but may not increase them.

The salary of the Washington County State's Attorney is set by statute as equal to 90% of the salary of a judge of the District Court. Pursuant to Joint Resolutions 2 and 3 of the 2022 session, which implemented the recommendations of the Judicial Compensation Commission and set judicial salaries for fiscal 2023 through 2026, a District Court judge's salary will increase to \$201,333 by fiscal 2026. Salary increases in future years are dependent on the recommendations submitted by the Judicial Compensation Commission when it next meets in 2025 (and subsequent action by the General Assembly pertaining to the recommendations).

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public official 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. According to a letter from the counsel to the General Assembly, dated January 17, 1978, salary increases that are to be implemented over a period of time are permissible if implemented before the beginning of the term.

Local Expenditures: Washington County expenditures increase by a minimum of \$21,100 in fiscal 2027 and by a minimum of \$36,200 annually thereafter. This estimate (1) is based on the fiscal 2026 salary of a District Court judge (\$201,333); (2) is based on the current salary of the Sheriff (\$126,900), as reported by Washington County; (3) accounts for the next term of office beginning December 2026; and (4) does not include fringe benefits. Expenditures increase beyond the estimate shown to the extent that judicial salaries further increase, thereby correspondingly increasing the salary of the State's Attorney and the Sheriff.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 873 of 2022.

Designated Cross File: HB 197 (Chair, Washington County Delegation) - Environment and Transportation.

Information Source(s): Washington County; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2023
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