

the voters at the general election in November, 1976, of SB \_\_\_\_ or HB \_\_\_\_; and, if neither such bill is enacted and so ratified, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 12. AND BE IT FURTHER ENACTED, That subject to the provisions of Section 11, this Act shall take effect January 1, 1977.

SECTION 13. AND BE IT FURTHER ENACTED, That the provisions of this Act, relating to payment by the State of the compensation of the several State prosecutors, shall take effect on July 1, 1977. The payment by the State of the compensation for the professional employees of the several State prosecutors' offices shall commence on July 1, 1978.]]

33A. CREATED; QUALIFICATIONS; TERM; SALARY

(A) THE OFFICE OF STATE PROSECUTOR IS CREATED AS AN INDEPENDENT UNIT IN THE EXECUTIVE BRANCH AND FOR ADMINISTRATIVE PURPOSES ONLY IS WITHIN THE OFFICE OF THE ATTORNEY GENERAL. THE STATE PROSECUTOR SHALL BE NOMINATED BY THE STATE PROSECUTOR SELECTION AND DISABILITIES COMMISSION AND APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM OF SIX YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIES.

(B) A PERSON IS NOT ELIGIBLE TO BE STATE PROSECUTOR UNLESS, AT THE TIME OF HIS APPOINTMENT, HE HAS ACTIVELY AND LAWFULLY PRACTICED LAW IN MARYLAND FOR AT LEAST FIVE YEARS.

(C) THE STATE PROSECUTOR SHALL RECEIVE THE SALARY PROVIDED IN THE STATE BUDGET, BUT NOT LESS THAN THE SALARY OF A JUDGE OF THE CIRCUIT COURT.

(D) THE STATE PROSECUTOR MAY BE REMOVED FROM OFFICE BY THE GOVERNOR, BUT ONLY UPON THE RECOMMENDATION OF THE STATE PROSECUTOR SELECTION AND DISABILITIES COMMISSION, FOR MISCONDUCT IN OFFICE, PERSISTENT FAILURE TO PERFORM THE DUTIES OF HIS OFFICE, OR CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE.

33B. DUTIES

(A) THE STATE PROSECUTOR HAS THE DUTIES, POWERS, AND RESPONSIBILITIES SET FORTH IN THIS SECTION.

(B) EXCEPT WITH RESPECT TO OFFENSES ALLEGED TO BE COMMITTED BY HIMSELF OR MEMBERS OF HIS STAFF, HE MAY, ON