

**THE STATE PROSECUTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET, BUT NOT LESS THAN THE SALARY OF A JUDGE OF A CIRCUIT COURT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 9-1201.

In subsection (b)(1)(i) of this section, the former phrase "under oath" is deleted in light of the reference to "affidavit".

Also in subsection (b)(1)(i) of this section, the former reference to a State or local office " , whether appointive or elective," is deleted as redundant, because this subsection states that an individual will not accept "appointment to, or be a candidate for," a State or local office.

In subsection (b)(1)(ii) of this section, the former phrase "at the time of appointment" is deleted as surplusage.

The Criminal Procedure Article Additions Review Committee notes, for consideration by the General Assembly, that the Office of the State Prosecutor is an independent unit but is no longer physically housed in the Office of the Attorney General, and the Office of the State Prosecutor is not budgeted as part of the Office of the Attorney General. Thus, the reference in subsection (a)(2) of this section to the Office as being "in the Office of the Attorney General" may be obsolete.

The Committee also notes that subsection (b)(1) of this section states that the State Prosecutor must file an affidavit stating that the State Prosecutor will not accept appointment to, or be a candidate for, a State or local office during service as the State Prosecutor and for at least 3 years thereafter. Subsection (b)(2) states that the State Prosecutor must renew the affidavit every 2 years during the period of service. These provisions, however, do not state with whom the State Prosecutor should file an original or renewed affidavit.

The Committee also notes that subsection (b)(3) of this section states that a failure to renew the affidavit shall subject the State Prosecutor to removal from office under this section. The only provision in this section that covers removal is subsection (d). The relationship, however, between subsection (b) and subsection (d) is unclear. Subsection (d) requires that removal be first recommended by the Commission and states three grounds for removal, none of which specifically includes failure to renew the affidavit.