

the taxpayers the allowed and certified amounts. This system, which dates back to the era of "fee-based" State's Attorney offices, is no longer followed anywhere in the State.

Typically, the budget request for a State's Attorney's office is annually submitted directly to the county government without examination or certification by the circuit court in the county. Additionally, the references in this section to the "judges of the circuit court", the "clerk of the board of county commissioners", and "county commissioners" may be dated and are inapplicable to many modern county governments and the courts. For example, Dorchester, Harford, Howard, Talbot, and Wicomico counties and Baltimore City are not exempted from this section and are not governed by a board of county commissioners.

Moreover, this section may be unconstitutional, because it imposes a nonjudicial duty on the judges of the circuit court. See *Robey v. Commissioners of Prince George's County*, 92 Md. 150, 48A. 98 (1900), which held that a statute requiring the circuit courts to approve the accounts of sheriffs as a prerequisite to the county's payment of those accounts was unconstitutional.

Defined terms: "County" § 1-101  
"State's Attorney" § 15-101

#### 15-108. SUBPOENA POWER IN CRIMINAL INVESTIGATION.

##### (A) LIMITED PURPOSE; SERVICE.

(1) FOR THE LIMITED PURPOSE OF FURTHERING AN ONGOING CRIMINAL INVESTIGATION, A STATE'S ATTORNEY OR A DEPUTY STATE'S ATTORNEY DESIGNATED IN WRITING BY THE STATE'S ATTORNEY MAY ISSUE IN THE COUNTY SERVED BY THE STATE'S ATTORNEY A SUBPOENA TO A PERSON TO PRODUCE TELEPHONE, BUSINESS, GOVERNMENTAL, OR CORPORATE RECORDS OR DOCUMENTS.

(2) THE SUBPOENA MAY BE SERVED IN THE SAME MANNER AS ONE ISSUED BY A CIRCUIT COURT.

##### (B) RIGHT TO ATTORNEY.

(1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY CONTACT MADE UNDER SUBSECTION (A) OF THIS SECTION WITH A STATE'S ATTORNEY OR AN AGENT OF THE STATE'S ATTORNEY.