

"State's Attorney" § 15-101

15-109. INTERIM STATE'S ATTORNEY.

(A) POWER TO APPOINT.

IF NECESSARY DUE TO AN ABSENCE, SICKNESS, RESIGNATION, OR DEATH OF A STATE'S ATTORNEY, THE CIRCUIT COURT FOR THE COUNTY MAY APPOINT A COMPETENT INDIVIDUAL TO PERFORM THE DUTIES OF THE STATE'S ATTORNEY IN CONDUCTING CRIMINAL OR CIVIL CASES ARISING OR PENDING IN THE CIRCUIT COURT UNTIL:

(1) THE STATE'S ATTORNEY IS ABLE TO ATTEND AND ACT IN PERSON; OR

(2) A NEW STATE'S ATTORNEY IS APPOINTED AND QUALIFIED.

(B) COMPENSATION.

AN INDIVIDUAL APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL RECEIVE THE SAME COMPENSATION AS THE STATE'S ATTORNEY WHO IS REPLACED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 10, § 41.

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because only a human being and not the other entities included in the defined term "person" can serve as an interim State's Attorney.

In subsection (a)(2) of this section, the reference to a "new" State's Attorney is added for clarity.

In subsection (b) of this section, the reference to the State's Attorney "who is replaced" is added for clarity.

The Criminal Procedure Article Additions Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section, the power to appoint an interim State's Attorney is given to "the circuit court for the county", which is substituted for the former reference to "the several courts of this State". This substitution is in accordance with Article V, § 11 of the Maryland Constitution, which states that the