

## EMERGENCY BILL

L2

7lr2767

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**By: Delegates Stull, Elliott, Stup, Brinkley, Hecht, and Snodgrass**

Introduced and read first time: February 17, 1997

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

**2 Frederick County - Special Deputy Sheriffs - State's Attorney Investigators**

3 FOR the purpose of authorizing the Sheriff of Frederick County to appoint special  
4 deputy sheriffs who are investigators in the Office of the State's Attorney for  
5 Frederick County; requiring certain special deputy sheriffs to be verified by the  
6 State's Attorney as having achieved a certain level of training for police duties;  
7 clarifying that certain special deputy sheriffs do not enjoy certain protections or  
8 benefits as certain uniformed personnel; making this Act an emergency measure;  
9 and generally relating to the Sheriff of Frederick County.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 2-309(1)  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 1996 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

**17 Article - Courts and Judicial Proceedings**

18 2-309.

19 (1) (1) The Sheriff of Frederick County shall receive a salary of \$40,000. The  
20 Sheriff shall appoint deputies as necessary, at salaries of at least \$2,400, and jail wardens  
21 as necessary, at salaries of at least \$1,320 each. The Sheriff also may appoint additional  
22 temporary deputy sheriffs as the Sheriff considers necessary for the public safety, with the  
23 approval of the Board of County Commissioners. The County Commissioners shall allow  
24 reasonable compensation for the temporary additional deputy sheriffs and the temporary  
25 deputies may not serve longer than the occasion requires. The Sheriff may appoint a chief  
26 deputy who shall serve at the pleasure of the Sheriff.

27 (2) Any deputy sheriff, with the exception of the chief deputy, appointed  
28 according to this section shall be placed on a probationary status for at least 18 months of  
29 continuous employment and may be dismissed by the Sheriff for any reason during the  
30 probationary period.

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1 (3) All full-time civilian employees are subject to the county personnel  
2 regulations with regard to qualifications for hiring, promotion, compensation and  
3 disciplinary action. All deputy sheriffs, except the chief deputy, are subject to the county  
4 personnel regulations with regard to qualifications for hiring, promotion and  
5 compensation with regard to matters not covered by the Law-Enforcement Officers' Bill  
6 of Rights.

7 (4) (i) The Sheriff of Frederick County may appoint special deputy  
8 sheriffs who are:

9 1. A. Members of the police force of a Frederick County  
10 municipality;

11 [2.] B. Selected by the chief of police of the municipality; and

12 [3.] C. Verified by the chief of police of the municipality as  
13 having achieved at least the minimum level of training for police duties in a municipality  
14 as designated by the Maryland Police Training Commission; OR

15 2. A. INVESTIGATORS IN THE OFFICE OF THE STATE'S  
16 ATTORNEY FOR FREDERICK COUNTY; AND

17 B. VERIFIED BY THE STATE'S ATTORNEY FOR FREDERICK  
18 COUNTY AS HAVING ACHIEVED AT LEAST THE MINIMUM LEVEL OF TRAINING FOR  
19 POLICE DUTIES IN A MUNICIPALITY, COUNTY, OR STATE, AS DESIGNATED BY THE  
20 MARYLAND POLICE TRAINING COMMISSION.

21 (II) AN INVESTIGATOR IN THE OFFICE OF THE STATE'S ATTORNEY  
22 FOR FREDERICK COUNTY WHO IS APPOINTED AS A SPECIAL DEPUTY SHERIFF  
23 UNDER THIS SUBSECTION IS:

24 1. NOT SUBJECT TO THE LAW ENFORCEMENT OFFICERS'  
25 BILL OF RIGHTS; AND

26 2. NOT CONSIDERED UNIFORMED PERSONNEL OF THE  
27 SHERIFF'S OFFICE AND IS NOT SUBJECT TO BENEFITS PROVIDED TO UNIFORMED  
28 PERSONNEL IN THE SHERIFF'S OFFICE.

29 [(ii)] (III) The appointment of special deputy sheriffs under this  
30 paragraph is subject to the following conditions:

31 1. The Sheriff may assign the duties of special deputies;

32 2. The Sheriff may terminate the appointment of the special  
33 deputy sheriff at will or on completion of the assignment for which the special deputy was  
34 appointed;

35 3. The special deputy sheriff is not an employee of Frederick  
36 County for the purpose of employment security or employee benefits; and

37 4. County liability insurance coverage within its terms shall be  
38 provided to a special deputy sheriff under this subsection only when the special deputy is  
39 acting within the special deputy's official duties.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health and safety, has  
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
4 each of the two Houses of the General Assembly, and shall take effect from the date it is  
5 enacted.