

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 246
Judiciary

(Cecil County Delegation)

Judicial Proceedings

Public Safety - Fire Police - Cecil County

This bill authorizes the commanding officer of a “fire and ambulance company” in Cecil County to designate to the Cecil County Sheriff up to 20 members of that company for appointment as fire police in the county. The bill eliminates the inclusion of Cecil County under separate provisions relating to the appointment of members of fire companies as deputy sheriffs.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect Cecil County finances. Cecil County advises that any fire police appointed pursuant to the bill’s provisions are expected to be from volunteer fire and ambulance companies and will not be compensated by the county.

Small Business Effect: None.

Analysis

Bill Summary: A written certificate of designation signed by the commanding officer must accompany each request for such an appointment. The Cecil County Sheriff may make such an appointment from those persons designated by the fire and ambulance company’s commanding officer.

The powers of appointees are limited to traffic control and scene safety while functioning at parades, accidents, fires, floods, other emergencies, or public events conducted by a fire

or ambulance company or the sheriff's department. These powers may be exercised in a municipal corporation in the county, subject to the discretion and control of the chief of the police force of the municipal corporation, or in other areas of the county.

An appointee may not use a weapon in the performance of duties associated with the appointment. The appointment terminates if the member ceases to be a member of the fire or ambulance company. The sheriff may remove an appointee at any time.

If an appointee dies, resigns, is dismissed, refuses to serve, or is unable to serve, the commanding officer may name a replacement designee.

“Fire and ambulance company” means a volunteer, career, incorporated, or unincorporated fire or ambulance company.

Current Law: In Baltimore, Cecil, Dorchester, and Queen Anne's counties, the sheriff may appoint members of fire companies as deputy sheriffs, whether volunteer, career, incorporated, or unincorporated, to exercise the powers of deputy sheriffs at fires and while going to and from fires. The commanding officer of fire companies in these jurisdictions may designate three members of the fire company to be appointed as deputy sheriffs. The commanding officer may be one of the three members designated.

The sheriff of a county *must* appoint a member of the fire company as deputy sheriff on request of the designated member. A request for appointment must be accompanied by a written certificate of designation signed by the commanding officer. If the commanding officer designates another member of the fire company to be appointed as deputy sheriff, the sheriff of the county *must* appoint that member as deputy sheriff.

The powers of members appointed as deputy sheriffs do not apply and may not be exercised in a municipality that maintains an organized police force.

Under separate provisions, in Allegany, Caroline, Carroll, Dorchester, Frederick, Kent, Somerset, Talbot, Wicomico, and Worcester counties, the commanding officer of a fire company may designate 12 members of the fire company to be appointed as deputy sheriffs. In Cecil and Harford counties, that number is 20. The sheriff of the county may require a member of a fire company appointed as deputy sheriff to demonstrate a satisfactory level of training in those areas of law enforcement commensurate with the duties of deputy sheriff, which are limited to those necessary to perform the duties of deputy sheriffs while functioning at parades, accidents, floods, other emergencies, or public events conducted by or under the auspices of a fire company or the sheriff's department. If the sheriff requires demonstration of a satisfactory level of training, then the sheriff must provide the training, at a time and place that the sheriff considers suitable.

The powers authorized under these provisions may be exercised:

- in a municipality, subject to the discretion and control of the chief of the police force of the municipality;
- in other areas of the county; and
- on State roads, subject to the discretion and control of the Department of State Police.

A member appointed as deputy sheriff is deemed to be performing the duties of deputy sheriff when on duty and wearing a badge of authority. A member appointed as deputy sheriff may not use a weapon in the performance of duties authorized under these provisions.

In Allegany, Caroline, Carroll, Frederick, Harford, and Talbot counties, a member appointed as deputy sheriff may also perform traffic control for public functions held by a municipality, group, or committee on request for and approval of the services by the sheriff.

The provisions that apply to Cecil County under the bill currently apply in Washington County.

Additional Information

Prior Introductions: HB 1219 of 2015 was referred to the House Rules and Executive Nominations Committee, but no further action was taken on the bill.

Cross File: None.

Information Source(s): Cecil County, Department of Legislative Services

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min/lgc

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