



Circuit Court for Carroll County, Maryland  
**Heather S. DeWees, Clerk**



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November 9, 2023

Senator Ready and Delegate Rose:

It is my privilege to ask you to create a bill proposal for change to the current oath that is prescribed by current Maryland Law for Deputy Sheriffs and Deputy Clerks in Carroll County. The Sheriff of Carroll County and I, the Clerk of the Circuit Court for Carroll County, would prefer that our Deputies take the oath listed in the *Maryland Constitution Article I – Elective Franchise, Section 9 - Universal Citation*. This oath is taken by most elected officials and Governor appointees. It is also administered to Deputy Sheriffs and Deputy Clerks in Montgomery County and Washington County.

The *Maryland Constitution Article I – Elective Franchise, Section 9* currently states

**Universal Citation: MD Const art I § 9**

Every person elected, or appointed, to any office of profit or trust, under this Constitution, or under the Laws, made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath, or affirmation:

*I, \_\_\_\_\_, do swear, (or affirm, as the case may be,) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_, according to the Constitution and Laws of this State,*

(and, if a Governor, Senator, Member of the House of Delegates, or Judge,) that I will not directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as \_\_\_\_\_ (originally Article I, sec. 6, renumbered by Chapter 681, Acts of 1977, ratified Nov. 7, 1978).

In the current code 2022 *Maryland Statute Courts & Proceedings Title 2 - Court Personnel, Subtitle 1 – Officers, Oaths, and Bonds, Section 2-104 - Oaths or Affirmations (a) and (b)*, it currently states that

(a) Every auditor, clerk, sheriff, constable, commissioner, surveyor, or other officer before he assumes the duties of his office, shall take and sign the oath or affirmation prescribed by the Constitution.



(b) Except as provided in subsection (d) of this section, every deputy clerk or sheriff shall take and subscribe the following oath or affirmation:

"I, A.B., do swear (or affirm) that I will not for lucre or malice delay any person applying to me for any business belonging to the office I officiate in, and that I will not directly or indirectly ask, take, exact, demand, or receive from or charge to any such person to my own use any fee or reward whatsoever for any services I may do as deputy of the said office, and that in making out the office fees I will not wittingly or willingly charge other or higher fees than are allowed by law.

### PROPOSED CHANGE:

The Sheriff of Carroll County and the Clerk of the Circuit Court for Carroll County would like to modify the current code *2022 Maryland Statute Courts & Proceedings Title 2 - Court Personnel, Subtitle 1 – Officers, Oaths, and Bonds, Section 2-104 - Oaths or Affirmations* (d). It currently states that

(d) In Montgomery County and Washington County, every deputy clerk or deputy sheriff shall take and sign the oath or affirmation prescribed by Article I, § 9 of the Maryland Constitution.

The Sheriff of Carroll County and the Clerk of the Circuit Court for Carroll County propose that *Maryland Statute Courts & Proceedings Title 2 - Court Personnel, Subtitle 1 - Officers, Oaths, and Bonds, Section 2-104 - Oaths or Affirmations* (d) states:

(d) In **Carroll County**, Montgomery County, and Washington County, every deputy clerk or deputy sheriff shall take and sign the oath or affirmation prescribed by Article I, § 9 of the Maryland Constitution.

The Sheriff of Carroll County and the Clerk of the Circuit Court for Carroll County propose that if this bill be *effective immediately* upon the Governor signing the bill into law.

### RATIONALE:

- The current oath prescribed by the **2-104 (b)** statute is limited and does not align with the responsibilities or the scope of services which Deputy Sheriffs and Deputy Clerks provide to the citizens of Carroll County.
- The current oath prescribed by the **2-104 (b)** statute does not require the Deputies to swear or affirm that they will support the *United States Constitution*.
- The current oath prescribed by the **2-104 (b)** statute does not require the Deputies bear true allegiance to the State of Maryland and support its Constitution and Laws.



- The current oath prescribed by the **2-104 (b)** statute does not require the Deputies to fulfill their duties (or execute their office) according to the *Maryland Constitution* and Maryland law without partiality or prejudice.
- The Sheriff of Carroll County and the Clerk of the Circuit Court for Carroll County would prefer their Deputies be administered an oath which requires Deputies to perform all duties diligently and faithfully.
- Deputy Sheriffs and Deputy Clerks from both Montgomery County and Washington County use the oath prescribed by the *Maryland Constitution Article I – Elective Franchise, Section 9* for their Deputy Sheriffs and Deputy Clerks and there is already an exception provided to these two counties in the *Maryland Statute Courts & Proceedings Title 2 - Court Personnel, Subtitle 1 - Officers, Oaths, and Bonds, Section 2-104 - Oaths or Affirmations (d)*.
- The modification of *Maryland Statute Courts & Proceedings Title 2 - Court Personnel, Subtitle - Officers, Oaths, and Bonds, Section 2-104 - Oaths or Affirmations (d)* would be simple and only affect Carroll County.
- Currently, there is no known opposition to the modification of *Maryland Statute Courts & Proceedings Title 2 - Court Personnel, Subtitle - Officers, Oaths, and Bonds, Section 2-104 - Oaths or Affirmations (d)*.
- The change in procedure of oath administration would fall solely on the Clerk of the Circuit Court for Carroll County. There would be no fiscal increase for this change in code and no additional training costs associated with the change.

To reach the Clerk of the Circuit Court for Carroll County with questions or concerns, please call me or text me at **443-375-7757** or email [Heather.DeWees@mdcourts.gov](mailto:Heather.DeWees@mdcourts.gov).

To reach the Sheriff of Carroll County with questions or concerns, please call or text him at **443-250-7764** or email [JDeWees@carrollcountymd.gov](mailto:JDeWees@carrollcountymd.gov).

Thank you for taking your time to review this request for a bill proposal and I appreciate your service to the citizens of Carroll County and the State of Maryland.

Best regards,

*Heather S. DeWees*

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Heather S. DeWees, Clerk of the Circuit Court  
for Carroll County, Maryland

