



Senate Bill 271

Maryland Tort Claims Act - Employees of an Office of a Sheriff

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: January 29, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 271. This bill helpfully remedies confusion currently arising from claims brought against a civilian employee of a sheriff's office. By clarifying the employment status of the non-sworn personnel in these divisions, all stakeholders (plaintiffs, defendants, and associated counsel) have clearer directives on liability and representation.

Current law specifies that sheriffs and their deputies are state employees that perform some local functions. To this end, liability that arises from actions taken in the course of duty are covered accordingly. While it could be assumed, the law does not clarify if civilian employees of a sheriff's department are state employees for the purposes of liability coverage. This has led to confusion and delays in authorization for representation from the State. In some instances, local governments end up providing coverage where the State would be the rightful party.

While it is understandable that the shared liability of sheriffs and their deputies between state and local governments can lead to a complicated, and sometimes confusing, segment of government liability, those challenges are not present for civilian employees. The civilian personnel perform mostly administrative functions for these state entities. They are entitled, without delay, to representation by the State when claims arise during the performance of those duties. SB 271 will ensure they get that coverage and that local governments are not inadvertently taking on state responsibilities.

Changes during the 2024 legislative session were able to succinctly clarify much of the prior confusion for sheriffs and deputies, and changes to clarify civilian employee coverage can do the same. SB 271 will alleviate an existing burden on plaintiffs, defendants, and the associated counsel in resolving these disputes. Counties appreciate that this bill will ensure appropriate liability coverage for existing responsibilities. For these reasons, MACo urges a **FAVORABLE** report for SB 271.