



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

**FROM:** Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** January 29, 2025

**RE:** **SB 271 Maryland Tort Claims Act – Employees of an Office of a Sheriff**

**POSITION:** **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 271**. This bill clarifies that all employees of a Sheriffs' Office, sworn officers and civilians, are considered State Personnel and therefore subject to the protections of the Maryland Tort Claims Act.

Under current law, a sheriff or deputy sheriff of a county or Baltimore City are considered State personnel and subject to the protections of the Maryland Tort Claims Act. Civilian employees are not. Legal matters do not arise often for civilian employees of a Sheriffs' Office, but when they do, the ambiguous nature of the statute creates uncertainty in terms of who should represent the individual, the State's Attorney General's Office or the County. In the couple situations that have arisen, the Attorney General's Office has represented the employees after a review and approval process. With the Sheriffs' Offices being State constitutional offices, it was suggested by the Attorney General's Office that legislation be introduced to make it clear all employees of a Sheriffs' Office are covered under the Maryland Tort Claims Act.

SB 271 clarifies that all employees of a Sheriffs' Office are subject to the protections of the Maryland Tort Claims Act. This provides for consistency in the legal protection and treatment of all Sheriffs' Office personnel. This change is also consistent with the statutory language for State's Attorney's Offices, liquor boards, and local boards of elections, to name a few. The law clearly states that employees of these offices in addition to the State's Attorney and members of liquor boards and local boards of elections meet the definition of State Personnel for these purposes.

For these reasons, MCPA and MSA **SUPPORT SB 271** and urge a **FAVORABLE** committee report.

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