

MCPA-MSA_SB 271 - Sheriffs Office-Employees-MD Tor

Uploaded by: Andrea Mansfield

Position: FAV



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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SB271JacksonTestimony.pdf

Uploaded by: Michael Jackson

Position: FAV

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY - SENATE BILL 271
MARYLAND TORT CLAIMS ACT –
EMPLOYEES OF AN OFFICE OF A SHERIFF
JUDICIAL PROCEEDINGS COMMITTEE
JANUARY 29, 2025

Chair Smith, Vice Chair Waldstreicher, and Committee Members:

Senate Bill 271 is a straight-forward piece of legislation designed to provide clear protections to the civilian employees of Sheriffs' offices under the Maryland Tort Claims Act. This would bring Sheriffs' offices in line with the statutory language for State's Attorney's Offices, liquor boards, and local boards of elections.

Issues don't occur often for the civilian employees of a Sheriffs' Office, but there is ambiguity in the law as to who should represent them should instances arise. These protections are already in place for both Sheriffs and Deputy Sheriffs in individual agencies and this legislation simply extends them out to civilian employees as well.

As someone who spent the majority of his professional career in public safety, and as someone who personally directed an agency, I am confident that this legislation would provide our Sheriffs' offices the necessary protections to better perform their constitutionally mandated duties.

For the reasons listed above, I ask for a favorable report of Senate Bill 271.

SB0271-JPR_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



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.

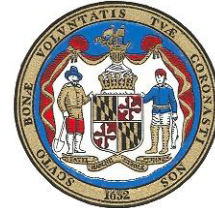
SB 271 - STO and OAG FWA Testimony.pdf

Uploaded by: Kirstin Lustila

Position: FWA



STATE OF MARYLAND
**OFFICE OF THE ATTORNEY
GENERAL**



STATE OF MARYLAND
**OFFICE OF THE STATE
TREASURER**

**Written Testimony on Behalf of
the Maryland Office of the Attorney General and
the Maryland State Treasurer's Office**

Senate Bill 271: Maryland Tort Claims Act – Employees of an Office of a Sheriff

Position: Favorable with Amendments

Senate Judicial Proceedings Committee

January 29, 2025

The Office of Attorney General (OAG) and the State Treasurer's Office (STO) have come together today to advocate in favor of Senate Bill 271 with amendments.

Senate Bill 271

Senate Bill 271 amends the Maryland Tort Claims Act to provide that an employee of the office of a sheriff of a county or Baltimore City is immune from certain liability in the same manner as a sheriff or deputy sheriff. The OAG and STO believe this is an appropriate amendment that clarifies coverage and representation of sheriffs' offices employees who are not deputy sheriffs.

This bill is another welcome effort to clarify responsibilities regarding tort coverage and representation with respect to sheriffs and their employees in the same manner as the bills that became Chapters [610](#) and [611](#) of the 2024 Laws of the State of Maryland. Those bills clarified that counties bear responsibility for all matters related to the performance by sheriffs and deputy sheriffs of a county or Baltimore City for "law enforcement functions" and "detention center functions" each as defined under Section 1 of such laws. Our only proposed amendment is to clarify that this bill is not an attempt to modify that arrangement.

Amendment

To preserve the 2024 clarification in the law, OAG and STO request an uncodified reference to legislative intent as reflected below. With this language, OAG and STO request that the Committee give Senate Bill 271 a favorable with amendments report. Please contact Kirstin Lustila, Assistant Attorney General, Maryland Sheriffs (klustila@oag.state.md.us), or Laura Atas, Deputy Treasurer for Public Policy (latas@treasurer.state.md.us), with any questions.

PROPOSED AMENDMENT

BY: Chair, Senate Judicial Proceedings Committee
(To be offered in the Senate Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 271 (First Reading File Bill)

On page 2, in line 8, after “That” insert “it is the intent of the General Assembly that this Act be interpreted in a manner that is consistent with Chapters 610 and 611 of the 2024 Acts of Maryland.”

SECTION 3. AND BE IT FURTHER ENACTED, That”.