
By: Allegany County Delegation

Introduced and read first time: January 31, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County - Fire Police**

3 FOR the purpose of adding Allegany County to the list of counties in which twelve
4 members per fire company may be appointed as deputy sheriffs and in which
5 additional authority for fire police is provided; clarifying that the Sheriff of Allegany
6 County may remove a member of a fire company appointed as deputy sheriff for just
7 cause; making stylistic changes and technical changes regarding the authority of fire
8 police in specified counties; and generally relating to the appointment and authority
9 of fire police in Allegany County.

10 BY repealing and reenacting, with amendments,

- 11 Article 87 - Sheriffs
- 12 Section 53
- 13 Annotated Code of Maryland
- 14 (1995 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 87 - Sheriffs**

18 53.

19 (a) (1) The provisions of the foregoing sections in this subtitle shall only apply
20 to [Allegany,] Baltimore, Cecil, Queen Anne's and Washington Counties[,but the].

21 (2) THE powers conferred [by virtue hereof upon] UNDER THIS SUBTITLE
22 TO members of fire companies shall not apply or be exercised [in incorporated cities,
23 towns or villages which maintain] WITHIN A MUNICIPAL CORPORATION THAT
24 MAINTAINS an organized or regular police force.

25 (b) (1) The provisions of this subtitle are applicable in ALLEGANY COUNTY,
26 Carroll County, Cecil County, Frederick County, Harford County, Kent County, Somerset
27 County, Wicomico County, and Worcester County, respectively, except as modified in this
28 section.

29 (2) Twelve members of each fire company may be designated by the captain,
30 chief, or other commanding officer of the fire companies [of these] INTHE counties[,

2

1 respectively,] LISTED IN PARAGRAPH (1) OF THIS SUBSECTION and recommended to be
2 appointed deputy sheriffs by the [sheriffs] SHERIFF of the [several counties]
3 RESPECTIVE COUNTY.

4 (3) The powers of the deputies are limited to those necessary to perform
5 their duties when functioning as fire police at parades, accidents, floods or other
6 emergencies, or at any public function conducted by, or under the auspices of, any
7 volunteer fire company, or by the sheriff's department. Such powers maybe exercised [in
8 incorporated cities, towns, counties, or] WITHIN A MUNICIPAL CORPORATION, BUT
9 SUBJECT TO THE DISCRETION AND CONTROL OF THE CHIEF OF THE POLICE FORCE
10 OF THE MUNICIPAL CORPORATION, IN OTHER AREAS OF THE COUNTY, AND on State
11 roadways but only under the discretion and control of the [chief of the police force of the
12 city, town, or] Department of State Police. All fire police, when on such duty, and when
13 wearing a badge of authority, shall be deemed to be performing the duties of their office.
14 In ALLEGANY COUNTY, Frederick County, Carroll County, and Harford County, fire
15 police may also perform traffic control for public functions held by any municipality,
16 town, group, or committee upon request for and approval of such services by the sheriff.

17 [(2)] (4) At no time shall any fire police use any weapon in the performance
18 of [his] duties as described in this section.

19 [(3)] (5) Any duly authorized fire police performing [his] duties in an
20 emergency situation to which a fire company or ambulance company has been dispatched
21 by the ALLEGANY COUNTY EMERGENCY MANAGEMENT CENTER IN ALLEGANY
22 COUNTY, THE Frederick County Central Alarm Board in Frederick County, or the
23 Carroll County Communications Control Center in Carroll County, shall be subject to the
24 authority of the officer in charge of such fire company or ambulance company, and if the
25 fire police is not a member in good standing of such fire company or ambulance company,
26 then [he] THE FIRE POLICE may not perform [his] duties as described in this section.
27 Any duly authorized fire police performing [his] duties at any public function conducted
28 by, or under the auspices of, a fire company or ambulance company, shall be subject to
29 the authority of the officer in charge of such company.

30 [(4)] (6) The sheriff of the county may require any fire policeto
31 demonstrate a satisfactory level of training in those areas of law enforcement
32 commensurate with the duties of the fire police as described in this section. If the sheriff
33 of the county shall require a demonstration of a satisfactory level of training, then the
34 training shall be provided by the sheriff of the county, at a time and place as [he] THE
35 SHERIFF shall deem suitable.

36 (7) IN ALLEGANY COUNTY, A MEMBER OF A FIRE COMPANY APPOINTED
37 AS A DEPUTY SHERIFF UNDER THIS SUBTITLE MAY BE REMOVED FROM THAT
38 POSITION BY THE SHERIFF AT ANY TIME FOR JUST CAUSE.

39 (c) The provisions of this subtitle are applicable in Caroline County, except that
40 the duties imposed on the sheriffs of the several counties in §§ 51 and 52 of this subtitle
41 are not mandatory on the sheriff of Caroline County.

42 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
43 October 1, 1996.