

EMERGENCY BILL

L2

6lr1752

By: Charles County Delegation

Introduced and read first time: January 31, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 1996

CHAPTER ____

1 AN ACT concerning

2 **Charles County - Sheriff's Office**

3 FOR the purpose of adding specified positions to the office of Sheriff of Charles County;
 4 requiring that a certain ordinance provide certain provisions and that certain
 5 actions be taken in accordance with the ordinance; requiring that the Sheriff require
 6 each sworn member of the office to undertake certain duties; addressing pension
 7 rights of employees of the Sheriff's office; eliminating a requirement that certain
 8 contraband be sold; providing that the County Commissioners are to make certain
 9 budgetary decisions relating to the Sheriff's office; repealing certain provisions
 10 relating to rules and regulations concerning Sheriff's office personnel; making this
 11 Act an emergency measure; making stylistic changes; and generally relating to the
 12 operation of the Sheriff's office in Charles County.

13 BY repealing and reenacting, with amendments,
 14 The Public Local Laws of Charles County
 15 Section 125-4
 16 Article 9 - Public Local Laws of Maryland
 17 (1994 Edition and November 1995 Supplement, as amended)

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

20 **Article 9 - Charles County**

21 125-4.

22 A. The office of Sheriff of Charles County consists of:

23 (1) The Sheriff and Deputy Sheriffs as authorized under § 2-309of the
 24 Courts and Judicial Proceedings Article of the Annotated Code of Maryland[.];

2

1 (2) The Board of Public Safety[.];

2 (3) CORRECTIONAL OFFICERS, DISPATCHERS, AND ADMINISTRATIVE
3 PERSONNEL; AND

4 (4) Other employees as are authorized by public general or public local law.

5 B. The office of the Sheriff is located at La Plata. It shall use the facilities of the
6 Courthouse at La Plata or other facilities as provided by the County Commissioners for
7 the establishment of its office[, for the establishment of its office, and the]. THE Board
8 of County Commissioners is authorized to construct, lease, or acquire any other facilities
9 for the use of the Sheriff.

10 C. (1) The Board of Public Safety is composed of five members[, all of whom
11 are residents]. EACH MEMBER OF THE BOARD SHALL BE A RESIDENT of Charles
12 County for AT LEAST 2 years prior to their membership. Two of the members are County
13 Commissioners appointed by the County Commissioners; the third member is appointed
14 by the County Commissioners and may not be an elected official; and the fourth and fifth
15 members are appointed by a majority of the representatives of Charles County to the
16 Maryland General Assembly. Unless otherwise replaced by the County Commissioners,
17 the members of the Board shall serve for 4 years, except that the members who also serve
18 as County Commissioners shall serve from the time of the appointment until the following
19 election for the County Commissioners.

20 (2) The County Commissioners shall enact an ordinance which shall provide
21 for those powers and duties of the Board of Public Safety. Before enacting the ordinance,
22 the County Commissioners shall consult with and seek the advice of the Sheriff of Charles
23 County and shall hold a public hearing on the proposed ordinance. At a minimum, the
24 ordinance shall address those powers, if any, of the Board concerning the appointment
25 and compensation of a Medical Examiner, employment of administrative personnel,
26 application procedures, qualifications, and process for appointment of Deputy Sheriffs,
27 and promotions.

28 D. (1) (a) The Sheriff shall devote full time to the duties of office.

29 (b) The Sheriff is entitled to compensation in accordance with § 2-309
30 of the Courts and Judicial Proceedings Article.

31 (2) (a) The salaries of the Deputy Sheriffs, based on rank and length of
32 service, shall correspond to the salary schedule of the Maryland State Police employees
33 [as set forth in] DEVELOPED UNDER Article 88B, § 23, of the Annotated Code of
34 Maryland.

35 (b) (1) As of July 1, 1979, all Deputy Sheriffs shall continue their
36 position with the following ranks:

37 (I) Patrolmen I are within Rank I;

38 (II) Patrolmen II are within Rank II;

39 (III) Privates First Class are within Rank III;

40 (IV) Corporals are within Rank IV;

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- 1 (V) Sergeants are within Rank V;
- 2 (VI) Second Lieutenants are within Rank VI;
- 3 (VII) First Lieutenants are within Rank VII;
- 4 (VIII) Captains are within Rank VIII;
- 5 (IX) Majors are within Rank IX; and
- 6 (X) Lieutenant Colonels[, if any,] are within Rank X.

7 (2) Any change or amendment in the salary schedule [of]
8 DEVELOPED UNDER Article 88B, § 23(a), of the Annotated Code of Maryland shall
9 apply to the Deputy Sheriffs of Charles County.

10 (3) As of July 1, 1979, [each] Deputy [Sheriff] SHERIFFS shall
11 be placed in the rank that corresponds to [his] THEIR position. [He] A DEPUTY
12 SHERIFF shall be placed in the first step of that rank unless [his] THE DEPUTY
13 SHERIFF'S present salary is more than that step, then [his] THE step shall correspond to
14 [his] THE present salary[, but he shall]. A DEPUTY SHERIFF MAY not receive a lesser
15 salary nor shall [he] A DEPUTY SHERIFF be demoted as a result of the implementation
16 of the salary schedule.

17 (c) All Deputy Sheriffs shall receive the salary for the next step within
18 their rank upon each anniversary date, which means July 1 as to all persons who are
19 Deputy Sheriffs on July 1, 1979, or the date of employment as to all other deputies.

20 (d) The Board of Public Safety shall approve all promotions upon
21 recommendation of the Sheriff to the extent provided by ordinance adopted by the
22 County Commissioners under Subsection C(2) of this section. Such promotions shall
23 become effective only upon the concurrence of the County Commissioners and shall be
24 subject to the availability of funds budgeted for such promotions.

25 E. (1) The Sheriff shall have control and supervision over other members of
26 [his] THE SHERIFF'S office and shall assign the members thereof to such duties and
27 hours as [he] THE SHERIFF may deem necessary and shall make such rules and
28 regulations for the proper government, discipline and operation of [his] THE SHERIFF'S
29 office as [he] THE SHERIFF may deem best to promote its efficiency. A copy of such
30 rules and regulations shall be furnished to each member of [his] THE SHERIFF'S office,
31 and whenever any addition or change is made in such rules and regulations, a copy of
32 such addition or change shall be provided for each member of the office[, who].
33 MEMBERS OF THE OFFICE shall familiarize [himself therewith] THEMSELVES WITH
34 THE RULES AND REGULATIONS.

35 (2) The Sheriff shall require each SWORN member of [his] THE SHERIFF'S
36 office[, at such times of the day or night as he may be upon duty,] to preserve the public
37 peace, prevent crime and protect the rights of persons and property; and to assist the
38 sanitary offices of the county to enforce faithfully and strictly all laws, rules and orders
39 that now exist or which may hereafter be passed or issued for the purpose of maintaining
40 and preserving the public health and to arrest all offenders against the laws of the state.

1 F. In accordance with the provisions of the Law Enforcement Officers' Bill of
2 Rights under Article 27, §§ 727 through 734D of the Annotated Code of Maryland, the
3 Sheriff may[, in his discretion,] suspend without pay, remove, dismiss, demote or
4 discharge any member of [his] THE SHERIFF'S office for any offense against law or good
5 morals, for neglect of duty, inefficiency, physical or mental disability or breach of
6 discipline.

7 G. (1) The County Commissioners [of Charles County are hereby authorized
8 and empowered to] MAY provide [clerks] CORRECTIONAL OFFICERS, DISPATCHERS,
9 ADMINISTRATIVE PERSONNEL, AND OTHER EMPLOYEES AS THE COUNTY
10 COMMISSIONERS CONSIDER NECESSARY for the Sheriff of the [county, such clerks to]
11 COUNTY. PERSONNEL AUTHORIZED UNDER THIS SUBSECTION SHALL be selected by
12 the Sheriff IN ACCORDANCE WITH THE PROVISIONS OF AN ORDINANCE ADOPTED
13 UNDER SUBSECTION (C)(2) OF THIS SECTION. They shall have such duties as may be
14 assigned to them by the Sheriff and shall be subject to [his] THE SHERIFF'S direction
15 and supervision and removable by [him] THE SHERIFF at any time [and]. THEY shall
16 receive such salary as [may be fixed] ESTABLISHED IN A LINE ITEM IN THE BUDGET
17 OF THE SHERIFF AS APPROVED by the County Commissioners [from time to time].
18 [The clerks] THESE PERSONNEL shall not be [deemed a part of the office of the
19 Sheriff] SWORN EMPLOYEES nor SHALL THEY BE entitled to the benefit of THE pension
20 [laws for members of the office] PLAN ESTABLISHED UNDER ARTICLE 25, § 3(G-1) OF
21 THE ANNOTATED CODE OF MARYLAND, UNLESS SPECIFICALLY INCLUDED UNDER
22 THAT SUBSECTION.

23 (2) ANY EMPLOYEE OF THE SHERIFF'S OFFICE WHO IS NOT PART OF A
24 SEPARATE PENSION PLAN BY LAW IS PART OF THE PENSION PLAN COVERING OTHER
25 EMPLOYEES OF THE COUNTY GOVERNMENT.

26 H. The Sheriff or a person authorized by [him] THE SHERIFF:

27 (1) May destroy any contraband article or goods seized by or delivered to
28 the office after removing any money contained therein[.];

29 (2) Shall sell at public auction all lost, abandoned, unclaimed, forfeited, or
30 [undistributed contraband or] stolen property remaining in the possession of the office
31 for a period of 6 months without a lawful claimant[.]; AND

32 (3) Shall pay over to the County Treasurer for the use of the county all
33 money removed from contraband, all proceeds of such sales and all lost, abandoned,
34 unclaimed, forfeited or stolen money remaining in the possession of his office for a period
35 of 6 months without a lawful claimant.

36 I. The County Commissioners [of Charles County] shall equip and arm the
37 office of Sheriff. The Commissioners [are hereby authorized, empowered and directed
38 to] SHALL purchase equipment, including motor vehicles, motorcycles, with or without
39 sidecars, and radio receiving and sending apparatus, both for stationary use and for use in
40 and about motor vehicles, in such number, together with such other police equipment as,
41 in the judgment of the Commissioners, may seem advisable for the use of the Sheriff[,
42 and the]. THE COUNTY Commissioners may from time to time sell, trade or otherwise
43 dispose of motor vehicles or motorcycles or radio or other equipment and purchase new
44 vehicles and equipment. All equipment, automobiles or motorcycles purchased under this

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1 subsection shall be and remain the property of Charles County and shall be returned by
 2 the members of the Sheriff's office to whom the equipment may be issued upon
 3 separation, for any cause, from the office[, and the]. THE COUNTY Commissioners shall
 4 provide for the maintenance and repair of motor vehicles and equipment and for the
 5 operation of motor vehicles and equipment, including gasoline, oil, tires, batteries and
 6 accessories for the same. Notwithstanding the above, any [and all] vehicles provided by
 7 the County Commissioners to the office of the Sheriff shall be deemed for all purposes
 8 the property of the Sheriff while so assigned and shall be registered and licensed in the
 9 name of the office of the Sheriff until retired from service and transferred back to the
 10 County Commissioners.

11 J. The Sheriff shall carry and serve all legal papers issued by the courts. The
 12 Sheriff is empowered to appoint special officers to serve legal papers. The [Board of
 13 Public Safety, subject to the approval of the Board of] County Commissioners[,] shall
 14 determine the number of special officers [from time to time] THROUGH APPROVAL OF
 15 A LINE ITEM IN THE BUDGET OF THE SHERIFF.

16 K. [(1)] The Board of County Commissioners shall provide a merit or classified
 17 service system to which all of the members of the Sheriff's office, except the Sheriff, shall
 18 be subject. THE MERIT OR CLASSIFIED SERVICE SYSTEM SHALL BE ESTABLISHED AS
 19 A PART OF THE ORDINANCE REQUIRED UNDER SUBSECTION (C)(2) OF THIS SECTION.

20 [(2)] The Board of County Commissioners shall adopt and promulgate and
 21 from time to time may amend and modify rules and regulations concerning standards and
 22 qualifications for each position within the classified system, minimum and maximum
 23 salary schedules, the employment examination and qualification of prospective members,
 24 hours of employment, holidays, sick leave and vacation allowance, and the County
 25 Commissioners shall make suitable provision for competitive examinations and for notice
 26 of vacancies in the classified service.

27 (3) The rules and regulations also shall make provision for emergency
 28 appointments for a period not to exceed 4 months when an emergency arises which does
 29 not permit compliance with the usual and ordinary provisions of the classified service.

30 (4) Members of the classified service may be permanently separated
 31 therefrom through resignation, rejection on probation or removal for cause. They may be
 32 temporarily separated from the classified service through suspension pending charges or
 33 leaves of absence granted at the request of the employee.

34 (5) An employee shall not be permanently removed from the classified
 35 service other than through resignation or rejection on probation except in accordance
 36 with the provisions of the Law Enforcement Officers' Bill of Rights under Article 27, §§
 37 727 through 734D of the Annotated Code of Maryland for cause upon written charges
 38 and after an opportunity to be heard in his own defense.

39 L. The County Commissioners may include the members of the Sheriff's office in
 40 the State Retirement and Pension System as provided under Title 31 of the State
 41 Personnel and Pensions Article of the Annotated Code of Maryland.]

42 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 43 measure, is necessary for the immediate preservation of the public health and safety, has

HOUSE BILL 588

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1 been passed by a ye and nay vote supported by three-fifths of all the members elected to
2 each of the two Houses of the General Assembly, and shall take effect from the date it is
3 enacted.