
By: **Prince George's County Delegation**
Introduced and read first time: February 11, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Sheriff's Office - State Funding**
3 **PG 309-98**

4 FOR the purpose of transferring budgetary responsibility for the office of the Sheriff
5 in Prince George's County from Prince George's County to the State; requiring
6 the State to furnish an office for the Sheriff and pay certain expenses, including
7 salaries for the Sheriff and certain other personnel, supply costs, and traveling
8 expenses; and generally relating to the transfer of the budgetary responsibility
9 for the office of the Sheriff in Prince George's County from Prince George's
10 County to the State.

11 BY repealing and reenacting, without amendments,
12 Article - Courts and Judicial Proceedings
13 Section 2-309(a)
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 2-309(a-1) and (r)
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 24 - Political Subdivisions
23 Section 8-101
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 1997 Supplement)

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

1 Article - Courts and Judicial Proceedings

2 2-309.

3 (a) The sheriff of a county and his deputies shall receive the annual salaries
4 provided by this section for performing the duties required of them by the
5 Constitution and the laws of this State. They shall be reimbursed for expenses as
6 provided by law.

7 (a-1) [The] EXCEPT IN PRINCE GEORGE'S COUNTY, THE government of each
8 county shall furnish an office for the sheriff and pay the necessary expenses for
9 telephones, stationery and for other purposes, and unless otherwise provided by law,
10 shall provide for the necessary traveling expenses of the sheriff for conveying
11 prisoners to any penal institution in the State and other necessary traveling
12 expenses. IN PRINCE GEORGE'S COUNTY, THE STATE SHALL FURNISH AN OFFICE FOR
13 THE SHERIFF AND PAY THE NECESSARY EXPENSES FOR TELEPHONES, STATIONERY,
14 AND OTHER PURPOSES AND, UNLESS OTHERWISE PROVIDED BY LAW, SHALL
15 PROVIDE FOR THE NECESSARY TRAVELING EXPENSES OF THE SHERIFF FOR
16 CONVEYING PRISONERS TO ANY PENAL INSTITUTION IN THE STATE AND OTHER
17 NECESSARY TRAVELING EXPENSES.

18 (r) (1) The Sheriff of Prince George's County shall:

19 (i) Receive an annual salary of \$83,000;

20 (ii) Be provided with an automobile during the term as Sheriff for
21 the use and work of the Sheriff's office, with adequate maintenance and insurance for
22 the automobile to be at the cost of the [County] STATE; and

23 (iii) Receive not more than \$2,500 per year for expenses incurred in
24 performing the duties of Sheriff, including training and education, an accounting of
25 which shall be submitted to the [County Director of Finance for approval] STATE.

26 (2) (i) The Sheriff of Prince George's County shall be provided with 4
27 full-time assistant sheriffs, and all assistant sheriffs shall be selected and appointed
28 by the Sheriff and serve at the Sheriff's pleasure. One of the assistant sheriffs shall be
29 appointed as the chief assistant sheriff. The assistant sheriffs shall be considered line
30 officers, if so designated by the Sheriff.

31 (ii) Each assistant sheriff shall:

32 1. Be provided with an automobile for so long as [they shall
33 remain] THE INDIVIDUAL REMAINS appointed assistant sheriff, for the use and work
34 of the office of Sheriff, with adequate maintenance and insurance of the automobile to
35 be at the expense of the [County] STATE; and

36 2. Be provided with an expense allowance of not more than
37 \$1,500 annually, an accounting of which shall be submitted to the [County Director of
38 Finance] STATE for approval.

1 [(iii) Each assistant sheriff may participate in the supplemental
2 retirement program provided to deputy sheriffs by the County.]

3 [(iv)] (III) The assistant sheriffs shall devote their full time and
4 attention to the office of Sheriff.

5 [(v)] (IV) The chief assistant sheriff shall receive an annual salary
6 of \$59,000.

7 [(vi)] (V) The Sheriff and the assistant sheriffs shall be provided
8 with an annual clothing allowance equal to that which is provided to deputy sheriffs
9 of all ranks for the procurement, care, and upkeep of clothing and leather goods, and
10 administered for that purpose.

11 [(vii)] (VI) 1. Except as provided in sub-subparagraph 2 of this
12 subparagraph, the Sheriff, chief assistant sheriff, and assistant sheriffs shall receive
13 each benefit, other than salary increases, that is negotiated for the deputy sheriffs by
14 the Deputy Sheriffs' Association and granted to the management team of the Prince
15 George's County Sheriff's office.

16 2. Any additional or increased benefit does not apply to the
17 incumbent Sheriff, but shall take effect at the beginning of the next following term of
18 office.

19 (3) In addition to the assistant sheriffs, the Sheriff of Prince George's
20 County shall be provided with the number of full-time employees, including civilian
21 employees and commissioned deputy sheriffs, as is deemed necessary and appropriate
22 to carry out the duties and discharge of the Sheriff's office. The cost and expense of
23 the positions of the full-time employees, including the salaries, shall be provided for
24 in the budget of the [County] STATE.

25 [(4) All full-time civilian employees shall be subject to the County
26 personnel law. Civilian employees shall have the right to organize and bargain
27 collectively. Civilian employees shall be subject to the Prince George's County Labor
28 Code with regard to collective bargaining for compensation, including pension and
29 fringe benefits, hours, and terms and conditions of employment. The County
30 Executive shall be considered the employer of the civilian employees only for the
31 purpose of collective bargaining for compensation, including pension and fringe
32 benefits, and hours. The Sheriff shall be considered the employer for purposes of
33 collective bargaining for other terms and conditions of employment. However, any
34 required funding for a collective bargaining agreement negotiated by the Sheriff shall
35 be subject to the approval of the County Executive.]

36 [(5)] (4) With the exception of the assistant sheriffs, all full-time deputy
37 sheriffs of all ranks, provided for the Sheriff in the budget of the [County,] STATE
38 upon commencement of any position in the Sheriff's department, may be required by
39 the Sheriff to serve a probationary period of 12 months. The probationary period may
40 be extended by the Sheriff for reasonable cause. During the probationary period, the
41 determination of the employee's qualifications and ability to serve in the position of a
42 permanent, nonprobationary employee shall be within the exclusive discretion of the

1 Sheriff. All probationary commissioned deputy sheriffs shall be required to complete
2 the minimum number of hours as mandated to other law enforcement agencies, as set
3 by the Maryland Police Training Commission.

4 [(6)] (5) [(i) With the exception of the assistant sheriffs, all
5 commissioned full-time employees, including deputy sheriffs of all ranks, that are
6 provided for by the Sheriff in the budget of the County, shall be subject to the County
7 personnel law.]

8 [(ii)] The assistant sheriffs shall receive an annual salary of \$58,000.

9 [(7)] (6) All nonprobationary commissioned full-time employees,
10 including deputy sheriffs of all ranks, are subject to the Law Enforcement Officers'
11 Bill of Rights. [They are also subject to the Labor Code of the County with regard to
12 collective bargaining for compensation, including pension and other fringe benefits,
13 hours, and terms and conditions of employment. The County Executive shall be
14 considered the "employer" of the deputy sheriffs only for the purpose of collective
15 bargaining for compensation, including pension and fringe benefits, and hours. The
16 Sheriff shall be considered the employer for purposes of collective bargaining for other
17 terms and conditions of employment. However, any required funding for a collective
18 bargaining agreement negotiated by the Sheriff shall be subject to the approval of the
19 County Executive.]

20 [(8)] (7) The Sheriff and the Sheriff's deputies shall be limited in their
21 duties as law enforcement officers, as follows:

22 (i) The full power of arrest, the service of process of all writs,
23 summonses, orders, petitions, subpoenas, warrants, rules to show cause, and all other
24 legal papers;

25 (ii) The care and supervision of prisoners at any of the county
26 detention centers, hospitals, penal institutions, or other places of confinement;

27 (iii) The security of all State and county courts and perform such
28 duties as may be required of them by the courts;

29 (iv) The transportation of all legally detained persons;

30 (v) The administration and enforcement of casino night permits as
31 authorized by the governing body of the county; and

32 (vi) Neither the Sheriff of Prince George's County nor any of the
33 Sheriff's deputies shall conduct criminal investigations, except in matters concerning
34 the Sheriff's department or upon request of the courts, or as necessary for the
35 administration and enforcement of casino night permits as authorized by the county
36 governing body.

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Article 24 - Political Subdivisions

2 8-101.

3 Each of the following entities is subject to the budget and fiscal policies and
4 purchasing laws of the county in which it is located:

- 5 (1) Any county board of supervisors of elections;
- 6 (2) Any State's Attorney's office;
- 7 (3) [Any] EXCEPT IN PRINCE GEORGE'S COUNTY, ANY sheriff's office;
- 8 (4) Any county board of liquor license commissioners; or
- 9 (5) Any circuit court, but not the office of a clerk of court.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 1998.