

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 1182

(Third Reading File Bill)

AMENDMENT NO. 1

In line 2, strike “Appointment of Deputy Sheriffs” and substitute “Office of the Sheriff”; in line 4, after the second “County” insert “, in accordance with certain rules and regulations.”; in line 5, strike “considers” and substitute “and the Sheriff consider”; in line 6, after “necessary” insert “; altering the method for determining the salary for the Sheriff to reflect changes in the Maryland State Police pay scale; repealing a requirement that the County Commissioners enact a certain ordinance to provide for the powers and duties of the Charles County Board of Public Safety; requiring the Board of Public Safety to act as a neutral third party and convene at the request of the Sheriff or the County Commissioners under certain circumstances; repealing a certain requirement that the Board of Public Safety approve certain promotions; providing for the County Commissioners and the Sheriff to develop rules and regulations that relate to certain employees in the Sheriff’s office; requiring the County Commissioners to provide for certain employees in the Sheriff’s office in accordance with those rules and regulations; altering a certain requirement for the County Commissioners to provide by ordinance for a merit or classified service system for certain employees of the Sheriff’s office; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Charles County; and generally relating to the Sheriff of Charles County and the employees of the Sheriff’s office”;

in line 9, strike “2-309(j)(3)” and substitute “2-309(j)”;

and after line 11, insert:

“BY repealing and reenacting, with amendments,
The Public Local Laws of Charles County
Section 125-4 C, G(1), and K
Article 9 - Public Local Laws of Maryland
(1994 Edition and June 1998 Supplement, as amended)

(Over)

BY repealing

The Public Local Laws of Charles County

Section 125-4 D(2)(d)

Article 9 - Public Local Laws of Maryland

(1994 Edition and June 1998 Supplement, as amended)”.

AMENDMENT NO. 2

After line 15, insert:

“(j) (1) The salary for the Sheriff of Charles County is equal to the salary of a Department of State Police lieutenant colonel, [step L-13] STEP 14, under the Department of State Police pay plan in effect on the day prior to the day that the Sheriff begins a term of office.

(2) Any change in the salary paid under the Department of State Police pay plan during the term of office of the Sheriff may not apply to the incumbent Sheriff, but the changed rate shall take effect at the beginning of the next following term of office.”;

in line 16, strike “(j)”;

in the same line, after “SHERIFF” insert “, IN ACCORDANCE WITH RULES AND REGULATIONS DEVELOPED BY THE BOARD OF COUNTY COMMISSIONERS AND THE SHERIFF,”;

in line 18, strike “CONSIDERS” and substitute “AND THE SHERIFF CONSIDER”;

after line 18, insert:

“(4) The books of the Sheriff shall be audited annually, and copies of the audit published by the County Commissioners in local newspapers.

Article 9 - Charles County

125-4.

C. (1) The Board of Public Safety is composed of five members. Each member of the Board shall be a resident of Charles County for at least 2 years prior to their membership. Two of the members are County Commissioners appointed by the County Commissioners; the third member is appointed by the County Commissioners and may not be an elected official; and the fourth and fifth members are appointed by a majority of the representatives of Charles County to the

Maryland General Assembly. Unless otherwise replaced by the County Commissioners, the members of the Board shall serve for 4 years, except that the members who also serve as County Commissioners shall serve from the time of the appointment until the following election for the County Commissioners.

(2) [The County Commissioners shall enact an ordinance which shall provide for those powers and duties of the Board of Public Safety. Before enacting the ordinance, the County Commissioners shall consult with and seek the advice of the Sheriff of Charles County and shall hold a public hearing on the proposed ordinance. At a minimum, the ordinance shall address those powers, if any, of the Board concerning the appointment and compensation of a Medical Examiner, employment of administrative personnel, application procedures, qualifications, and process for appointment of Deputy Sheriffs, and promotions.] THE BOARD OF PUBLIC SAFETY SHALL ACT AS A NEUTRAL THIRD PARTY, WHICH SHALL CONVENE, AT THE REQUEST OF EITHER THE SHERIFF OR THE COUNTY COMMISSIONERS, TO REVIEW PUBLIC SAFETY MATTERS THAT ARE OF SIGNIFICANT PUBLIC INTEREST OR CONCERN.

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

G. (1) The County Commissioners, IN ACCORDANCE WITH RULES AND REGULATIONS DEVELOPED BY THE COMMISSIONERS AND THE SHERIFF, may provide correctional officers, dispatchers, administrative personnel, and other employees as the County Commissioners consider necessary for the Sheriff of the county. Personnel authorized under this subsection shall be selected by the Sheriff in accordance with the provisions of an ordinance adopted under Subsection [(C)(2)] K of this section. They shall have such duties as may be assigned to them by the Sheriff and shall be subject to the Sheriff's direction and supervision and removable by the Sheriff at any time. They shall receive such salary as established in a line item in the budget of the Sheriff as approved by the County Commissioners. These personnel shall not be sworn employees nor shall they be entitled to the benefit of the pension plan established under Article 25, § 3(G-1) of the Annotated Code of Maryland, unless specifically included under that subsection.

(Over)

K. The Board of County Commissioners shall ENACT AN ORDINANCE WHICH SHALL provide a merit or classified service system to which all [of the members] FULL-TIME EMPLOYEES of the Sheriff's office, except the Sheriff AND THE SHERIFF'S APPOINTEES, shall be subject. [The merit or classified service system shall be established as a part of the ordinance required under Subsection (c)(2) of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, Section 35 of the Constitution of Maryland, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Charles County in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Charles County shall take effect at the beginning of the next following term of office.”;

and in line 19, strike “2.” and substitute “3.”.