

Department of Legislative Services

Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

House Bill 108 (Chairman, Commerce and Government Matters Committee)
(Departmental – Ethics, State Commission on)

Commerce and Government Matters Economic and Environmental Affairs

Public Ethics - Executive Unit - Offices of Sheriffs and State's Attorneys

This departmental bill makes all employees of each Sheriff's Office and each State's Attorney's Office subject to the State Public Ethics Law. It does so by including in the definition of "executive unit" deputy sheriffs, deputy and assistant State's attorneys, and all other employees of the Office of the Sheriff and the Office of the State's Attorney in each county. The bill excludes these employees from the financial disclosure statement filing requirement of State Public Ethics Law.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing resources.

Local Effect: None.

Small Business Effect: The State Ethics Commission has determined that this bill will have minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Each county and municipal government must have provisions governing the public ethics of local officials. The county or municipal governing body determines which local officials the local public ethics laws cover. While sheriffs and State's attorneys are defined as State officials and covered by State public ethics law, the employees of their offices may or may not be designated by the respective municipal or

county governing body as a local official for coverage under local public ethics law. Consequently the coverage under local public ethics law varies by jurisdiction.

Various court decisions have made counties uncertain about whether deputy sheriffs and assistant and deputy State's Attorneys are subject to the State or local public ethics law. The State Ethics Commission advises that when it established regulations concerning the State Public Ethics Law, it established the requirement that local employees, including deputy sheriffs and assistant and deputy State's Attorneys, were to be covered by local ethics laws. However, according to a September 5, 1999 Opinion of the Attorney General, absent express or specific enactment by the General Assembly, these employees are subject to the State Public Ethics Law due to the nature and function of their duties.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services; Baltimore, Charles, Montgomery, Prince George's, and Somerset counties

Fiscal Note History: First Reader – January 29, 2001
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