

HOUSE BILL 401

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2003 Regular Session
3r0800
CF 3r0840

By: **Delegate Barkley**
Introduced and read first time: February 5, 2003
Assigned to: Environmental Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County - Deputy Clerk or Sheriff - Oath of Office**

3 FOR the purpose of requiring that every deputy clerk or sheriff in Montgomery
4 County take and sign the oath or affirmation prescribed by the Maryland
5 Constitution; and generally relating to oaths of office.

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 2-104
9 Annotated Code of Maryland
10 (2002 Replacement Volume)

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

13 **Article - Courts and Judicial Proceedings**

14 2-104.

15 (a) Every auditor, clerk, sheriff, constable, commissioner, surveyor, or other
16 officer before he assumes the duties of his office, shall take and sign the oath or
17 affirmation prescribed by the Constitution.

18 (b) [Every] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,
19 EVERY deputy clerk or sheriff shall take and subscribe the following oath or
20 affirmation: "I, A.B., do swear (or affirm) that I will not for lucre or malice delay any
21 person applying to me for any business belonging to the office I officiate in, and that
22 I will not directly or indirectly ask, take, exact, demand, or receive from or charge to

1 any such person to my own use any fee or reward whatsoever for any services I may
2 do as deputy of the said office, and that in making out the office fees I will not
3 wittingly or willingly charge other or higher fees than are allowed by law."

4 (c) (1) In addition to the oath or affirmation required under subsection (b) of
5 this section, in St. Mary's County, every deputy sheriff shall take and subscribe the
6 following oath or affirmation: "I, A.B., do solemnly swear (or affirm) that I will bear
7 true faith and allegiance to the United States of America and to the State of
8 Maryland; that I will serve honestly and faithfully to uphold and defend the
9 Constitution of the United States and the Constitution of Maryland; that I will
10 enforce the laws of St. Mary's County, and the State of Maryland; and that I will obey
11 the orders of the Sheriff and of my superior officers according to the rules and
12 regulations of the Sheriff's office, St. Mary's County and the State of Maryland."

13 (2) In addition to the oath or affirmation required under subsection (b) of
14 this section, in Charles County, every deputy sheriff shall take and subscribe the
15 following oath or affirmation: "I, A.B., do solemnly swear (or affirm) that I will bear
16 true faith and allegiance to the United States of America and to the State of
17 Maryland; that I will serve honestly and faithfully to uphold and defend the
18 Constitution of the United States and the Constitution of Maryland; that I will
19 enforce the laws of Charles County, and the State of Maryland; and that I will obey
20 the orders of the Sheriff and of my superior officers according to the rules and
21 regulations of the Sheriff's office, Charles County and the State of Maryland."

22 (D) IN MONTGOMERY COUNTY, EVERY DEPUTY CLERK OR SHERIFF SHALL
23 TAKE AND SIGN THE OATH OR AFFIRMATION PRESCRIBED BY ARTICLE I, § 9 OF THE
24 MARYLAND CONSTITUTION.

25 [(d)] (E) (1) Except as authorized by Article I, § 10 of the Constitution, every
26 officer, except the clerk of the circuit court of a county or an appellate court, shall take
27 the oath before the clerk of the circuit court.

28 (2) Except as provided in Article I, § 10 of the Constitution, the clerk of a
29 circuit court shall take the oath before a judge of the court.

30 (3) The clerk of an appellate court shall take the oath before the
31 Governor.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2003.

