

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 1074 (Delegate Sophocleus)

Environmental Matters

Education, Health, and Environmental
Affairs

Ethics Law - Executive Units - Offices of Sheriff and State's Attorney

This bill includes the Office of the Sheriff and the Office of the State's Attorney in each county in the definition of "executive unit," thus applying the State Public Ethics Law to these bodies. The bill excludes deputy sheriffs, deputy and assistant State's attorneys, and all other employees of these bodies 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: None.

Analysis

Current Law: Each county and municipal government must have provisions governing the public ethics of local officials. Unless the State Public Ethics Law specifically applies to a particular local official, 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 created uncertainty about whether deputy sheriffs and assistant and deputy State's attorneys are subject to the State or local public ethics law.

Background: When the State Ethics Commission adopted 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 1999 letter of advice from 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: HB 108, an identical bill as amended, was introduced during the 2001 session. It passed both the House and Senate, but was vetoed by the Governor for the policy reason that exempting employees in the offices of sheriffs and State's attorneys from financial disclosure requirements is unjustified.

Cross File: None.

Information Source(s): Caroline County, Calvert County, Howard County, Montgomery County, State Ethics Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2003
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