
By: **Washington County Delegation**

Introduced and read first time: February 2, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring that every deputy clerk or sheriff in Washington County
4 take and sign the oath or affirmation prescribed by the Maryland Constitution;
5 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 and 2003 Supplement)

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) Except as provided in subsection (d) of this section, every deputy clerk or
19 sheriff shall take and subscribe the following oath or affirmation: "I, A.B., do swear
20 (or affirm) that I will not for lucre or malice delay any person applying to me for any
21 business belonging to the office I officiate in, and that I will not directly or indirectly
22 ask, take, exact, demand, or receive from or charge to any such person to my own use
23 any fee or reward whatsoever for any services I may do as deputy of the said office,
24 and that in making out the office fees I will not wittingly or willingly charge other or
25 higher fees than are allowed by law."

26 (c) (1) In addition to the oath or affirmation required under subsection (b) of
27 this section, in St. Mary's County, every deputy sheriff shall take and subscribe the
28 following oath or affirmation: "I, A.B., do solemnly swear (or affirm) that I will bear

1 true faith and allegiance to the United States of America and to the State of
2 Maryland; that I will serve honestly and faithfully to uphold and defend the
3 Constitution of the United States and the Constitution of Maryland; that I will
4 enforce the laws of St. Mary's County, and the State of Maryland; and that I will obey
5 the orders of the Sheriff and of my superior officers according to the rules and
6 regulations of the Sheriff's office, St. Mary's County and the State of Maryland."

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

16 (d) In Montgomery County AND WASHINGTON COUNTY, every deputy clerk or
17 sheriff shall take and sign the oath or affirmation prescribed by Article I, § 9 of the
18 Maryland Constitution.

19 (e) (1) Except as authorized by Article I, § 10 of the Constitution, every
20 officer, except the clerk of the circuit court of a county or an appellate court, shall take
21 the oath before the clerk of the circuit court.

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2004.