
By: Howard County Delegation

Introduced and read first time: February 22, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County - Appointment and Tenure of Deputy Sheriffs**
3 **Ho. Co. 23-05**

4 FOR the purpose of establishing the rights and tenure for certain individuals
5 appointed by the Sheriff of Howard County to serve as deputy sheriffs;
6 establishing a probationary period for the deputy sheriffs; requiring the Sheriff
7 to evaluate each deputy sheriff during the probationary period; mandating
8 certain training requirements and standards for the deputy sheriffs; providing
9 that the deputy sheriffs may be disciplined or dismissed only after a certain
10 period and only in accordance with certain standards; providing the deputy
11 sheriffs with certain appeal rights; and generally relating to the appointment
12 and tenure of certain deputy sheriffs in Howard County.

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 2-309(o)
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2004 Supplement)

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

20 **Article - Courts and Judicial Proceedings**

21 2-309.

22 (o) (1) (i) The Sheriff of Howard County shall receive an annual salary as
23 follows:

- 24 1. \$54,101 for calendar year 2001;
25 2. \$55,183 for calendar year 2002;
26 3. \$62,000 for calendar year 2003;

- 1 4. \$63,500 for calendar year 2004;
- 2 5. \$65,000 for calendar year 2005; and
- 3 6. \$66,500 for calendar year 2006 and thereafter.

4 (ii) The Sheriff shall appoint the number of deputies authorized by
5 the county government. The compensation of the deputies shall be set by the county
6 government. [A deputy holds office at the pleasure of the Sheriff and may be removed
7 by the Sheriff at any time or by the Circuit Court for Howard County upon indictment
8 and conviction as provided by law.]

9 (2) (I) EACH FULL-TIME DEPUTY SHERIFF AT THE RANK OF
10 LIEUTENANT OR BELOW APPOINTED BY THE SHERIFF ON OR AFTER OCTOBER 1, 2005:

11 1. SHALL BE REQUIRED BY THE SHERIFF TO SERVE AN
12 INITIAL PROBATIONARY PERIOD OF 12 MONTHS; AND

13 2. MAY BE DISMISSED BY THE SHERIFF FOR ANY REASON
14 ONLY DURING THE INITIAL PROBATIONARY PERIOD.

15 (II) THE SHERIFF MAY EXTEND THE PROBATIONARY PERIOD FOR
16 REASONABLE CAUSE.

17 (III) DURING THE PROBATIONARY PERIOD, THE SHERIFF HAS
18 EXCLUSIVE DISCRETION TO DETERMINE WHETHER A PROBATIONARY DEPUTY
19 SHERIFF HAS THE QUALIFICATIONS AND ABILITY TO SERVE IN THE POSITION OF A
20 PERMANENT NONPROBATIONARY EMPLOYEE.

21 (IV) EACH PROBATIONARY DEPUTY SHERIFF SHALL BE REQUIRED
22 TO COMPLETE THE MINIMUM NUMBER OF HOURS MANDATED FOR LAW
23 ENFORCEMENT AGENCIES ESTABLISHED BY THE MARYLAND POLICE TRAINING
24 COMMISSION.

25 (V) AFTER THE PROBATIONARY PERIOD, A FULL-TIME DEPUTY
26 SHERIFF AT A RANK OF LIEUTENANT OR BELOW MAY BE DISCIPLINED OR DISMISSED
27 ONLY FOR JUST CAUSE:

28 1. IN ACCORDANCE WITH THE LAW ENFORCEMENT
29 OFFICERS' BILL OF RIGHTS, IF THE EMPLOYEE'S RIGHTS ARE COVERED UNDER THIS
30 BILL OF RIGHTS; OR

31 2. IN ACCORDANCE WITH THE PERSONNEL RULES AND
32 REGULATIONS OF THE HOWARD COUNTY SHERIFF'S OFFICE, IF THE EMPLOYEES'
33 RIGHTS ARE NOT COVERED UNDER THE LAW ENFORCEMENT OFFICERS' BILL OF
34 RIGHTS.

35 (3) EXCEPT FOR AN APPEAL TAKEN PURSUANT TO THE LAW
36 ENFORCEMENT OFFICERS' BILL OF RIGHTS, AN APPEAL BY AN AGGRIEVED PARTY
37 SHALL BE TAKEN TO THE CIRCUIT COURT FOR HOWARD COUNTY.

1 (4) The Sheriff may appoint additional temporary deputy sheriffs when
2 necessary for the public safety and the county government shall allow them
3 reasonable compensation. These deputies may not serve longer than the case actually
4 requires.

5 [(2)] (5) The primary duties of the Sheriff are the following:

6 (i) The security of the circuit court, and the performance of such
7 duties as may be required of them by that court;

8 (ii) The service of process of writs, summonses, orders, petitions,
9 subpoenas, warrants, orders to show cause, and other legal papers; and

10 (iii) Additional duties, including law enforcement as may be
11 requested by law enforcement or other criminal justice agencies, the circuit court, or
12 the county government, when necessary for the public safety.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2005.