
By: Howard County Delegation

Introduced and read first time: February 22, 2005

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 3, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2005

CHAPTER _____

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 under
 6 certain circumstances; establishing a probationary period for ~~the~~ certain deputy
 7 sheriffs; requiring the Sheriff to evaluate ~~each~~ certain deputy ~~sheriff~~ sheriffs
 8 during ~~the probationary~~ a certain period; mandating certain training
 9 requirements and standards for ~~the~~ certain deputy sheriffs; providing that ~~the~~
 10 certain deputy sheriffs may be disciplined or dismissed ~~only~~ after a certain
 11 period ~~and only~~ in accordance with certain standards; providing ~~the~~ certain
 12 deputy sheriffs with certain appeal rights; and generally relating to the
 13 appointment and tenure of certain deputy sheriffs in Howard County.

14 BY repealing and reenacting, with amendments,
 15 Article - Courts and Judicial Proceedings
 16 Section 2-309(o)
 17 Annotated Code of Maryland
 18 (2002 Replacement Volume and 2004 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 2-309.

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

5 1. \$54,101 for calendar year 2001;

6 2. \$55,183 for calendar year 2002;

7 3. \$62,000 for calendar year 2003;

8 4. \$63,500 for calendar year 2004;

9 5. \$65,000 for calendar year 2005; and

10 6. \$66,500 for calendar year 2006 and thereafter.

11 (ii) The Sheriff shall appoint the number of deputies authorized by
12 the county government. The compensation of the deputies shall be set by the county
13 government. [A deputy holds office at the pleasure of the Sheriff and may be removed
14 by the Sheriff at any time or by the Circuit Court for Howard County upon indictment
15 and conviction as provided by law.]16 (2) (I) EACH FULL-TIME DEPUTY SHERIFF AT THE RANK OF
17 LIEUTENANT OR BELOW APPOINTED BY THE SHERIFF ON OR AFTER OCTOBER 1, 2005:18 1. SHALL BE REQUIRED BY THE SHERIFF TO SERVE AN
19 INITIAL PROBATIONARY PERIOD OF 12 MONTHS; AND20 2. MAY BE DISMISSED BY THE SHERIFF FOR ANY REASON
21 ONLY DURING THE INITIAL PROBATIONARY PERIOD.22 (II) THE SHERIFF MAY EXTEND THE PROBATIONARY PERIOD FOR
23 REASONABLE CAUSE.24 (III) DURING THE PROBATIONARY PERIOD, THE SHERIFF HAS
25 EXCLUSIVE DISCRETION TO DETERMINE WHETHER A PROBATIONARY DEPUTY
26 SHERIFF HAS THE QUALIFICATIONS AND ABILITY TO SERVE IN THE POSITION OF A
27 PERMANENT NONPROBATIONARY EMPLOYEE.28 (IV) EACH PROBATIONARY DEPUTY SHERIFF SHALL BE REQUIRED
29 TO COMPLETE THE MINIMUM NUMBER OF HOURS MANDATED FOR LAW
30 ENFORCEMENT AGENCIES ESTABLISHED BY THE MARYLAND POLICE TRAINING
31 COMMISSION.32 (V) AFTER THE PROBATIONARY PERIOD, A FULL-TIME DEPUTY
33 SHERIFF AT A RANK OF LIEUTENANT OR BELOW MAY BE DISCIPLINED OR DISMISSED
34 ONLY FOR JUST CAUSE:

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

4 2. IN ACCORDANCE WITH THE PERSONNEL RULES AND
5 REGULATIONS OF THE HOWARD COUNTY SHERIFF'S OFFICE, IF THE EMPLOYEES'
6 RIGHTS ARE NOT COVERED UNDER THE LAW ENFORCEMENT OFFICERS' BILL OF
7 RIGHTS.

8 ~~(3)~~ (VI) EXCEPT FOR AN APPEAL TAKEN PURSUANT TO THE LAW
9 ENFORCEMENT OFFICERS' BILL OF RIGHTS, AN APPEAL BY AN AGGRIEVED PARTY
10 SHALL BE TAKEN TO THE CIRCUIT COURT FOR HOWARD COUNTY.

11 ~~(4)~~ (3) The Sheriff may appoint additional temporary deputy sheriffs
12 when necessary for the public safety and the county government shall allow them
13 reasonable compensation. These deputies may not serve longer than the case actually
14 requires.

15 [(2)] ~~(5)~~ (4) The primary duties of the Sheriff are the following:

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

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

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

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