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By: **Senators Mooney and Brinkley**

Introduced and read first time: February 10, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Sheriff's Offices - Reserve Deputies**

3 FOR the purpose of authorizing the Sheriff of Frederick County to appoint reserve  
4 deputies to perform law enforcement duties in the Sheriff's office; providing for  
5 the number of reserve deputies to be appointed and compensation for reserve  
6 deputies; specifying certain powers of reserve deputies; providing that the  
7 reserve deputies serve at the pleasure of the Sheriff; requiring reserve deputies  
8 to meet a certain requirement; requiring the Police Training Commission to  
9 establish certain programs for certain applicants for the position of reserve  
10 deputy and certain reserve deputies; altering the definition of "State personnel"  
11 for purposes of the Maryland Tort Claims Act to include "reserve deputy of a  
12 county or Baltimore City"; and generally relating to reserve deputies in sheriff  
13 offices.

14 BY adding to  
15 Article - Courts and Judicial Proceedings  
16 Section 2-309(1)(5)  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Public Safety  
21 Section 3-207  
22 Annotated Code of Maryland  
23 (2003 Replacement Volume and 2004 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - State Government  
26 Section 12-101  
27 Annotated Code of Maryland  
28 (2004 Replacement Volume)

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

3 **Article - Courts and Judicial Proceedings**

4 2-309.

5 (1) (5) (I) THE SHERIFF OF FREDERICK COUNTY MAY APPOINT RESERVE  
6 DEPUTIES TO PERFORM LAW ENFORCEMENT DUTIES IN THE SHERIFF'S OFFICE.

7 (II) THE SHERIFF SHALL DETERMINE THE NUMBER OF RESERVE  
8 DEPUTIES TO BE APPOINTED.

9 (III) COMPENSATION FOR THE RESERVE DEPUTIES, IF ANY, SHALL  
10 BE AS PROVIDED IN THE COUNTY BUDGET.

11 (IV) RESERVE DEPUTIES MAY CONDUCT INVESTIGATIONS AND  
12 MAKE ARRESTS THAT RELATE DIRECTLY TO LAW ENFORCEMENT ACTIVITIES AND  
13 THE PROTECTION OF LIFE AND PROPERTY.

14 (V) RESERVE DEPUTIES SHALL SERVE AT THE PLEASURE OF THE  
15 SHERIFF.

16 (VI) AN INDIVIDUAL MAY NOT SERVE AS A RESERVE DEPUTY  
17 SHERIFF UNLESS THE INDIVIDUAL IS CERTIFIED BY THE POLICE TRAINING  
18 COMMISSION.

19 **Article - Public Safety**

20 3-207.

21 Subject to the authority of the Secretary, the Commission has the following  
22 powers and duties:

23 (1) to establish standards for the approval and continuation of approval  
24 of schools that conduct police entrance-level and in-service training courses required  
25 by the Commission, including State, regional, county, and municipal training schools;

26 (2) to approve and issue certificates of approval to police training  
27 schools;

28 (3) to inspect police training schools;

29 (4) to revoke, for cause, the approval or certificate of approval issued to a  
30 police training school;

31 (5) to establish the following for police training schools:

32 (i) curriculum;

33 (ii) minimum courses of study;

- 1 (iii) attendance requirements;
  - 2 (iv) eligibility requirements;
  - 3 (v) equipment and facilities;
  - 4 (vi) standards of operation; and
  - 5 (vii) minimum qualifications for instructors;
- 6 (6) to require, for entrance-level police training and at least every 3  
7 years for in-service level police training conducted by the State and each county and  
8 municipal police training school, that the curriculum and minimum courses of study  
9 include special training, attention to, and study of the application and enforcement of  
10 the criminal laws concerning rape and sexual offenses, including:
- 11 (i) the sexual abuse of children;
  - 12 (ii) related evidentiary procedures; and
  - 13 (iii) the contact with and treatment of victims of these crimes;
- 14 (7) to certify and issue appropriate certificates to qualified instructors  
15 for police training schools authorized by the Commission to offer police training  
16 programs;
- 17 (8) to verify that police officers have satisfactorily completed training  
18 programs and issue diplomas to those police officers;
- 19 (9) to conduct and operate police training schools authorized by the  
20 Commission to offer police training programs;
- 21 (10) to make a continuous study of entrance-level and in-service training  
22 methods and procedures;
- 23 (11) to consult with and accept the cooperation of any recognized federal,  
24 State, or municipal law enforcement agency or educational institution;
- 25 (12) to consult and cooperate with universities, colleges, and institutions  
26 in the State to develop specialized courses of study for police officers in police science  
27 and police administration;
- 28 (13) to consult and cooperate with other agencies and units of the State  
29 concerned with police training; [and]

30 (14) TO ESTABLISH A CERTIFICATION PROGRAM FOR QUALIFIED  
31 APPLICANTS FOR THE POSITION OF RESERVE DEPUTY IN A SHERIFF'S OFFICE AND  
32 TO ESTABLISH A TRAINING PROGRAM FOR RESERVE DEPUTIES WHO SEEK TO  
33 INCREASE THEIR SKILL; AND

1 [(14)] (15) to perform any other act that is necessary or appropriate to  
2 carry out the powers and duties of the Commission under this subtitle.

3 **Article - State Government**

4 12-101.

5 (a) In this subtitle, unless the context clearly requires otherwise, "State  
6 personnel" means:

7 (1) a State employee or official who is paid in whole or in part by the  
8 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

9 (2) an employee or official of the:

10 (i) Maryland Transportation Authority;

11 (ii) Injured Workers' Insurance Fund;

12 (iii) Maryland Stadium Authority;

13 (iv) Maryland Environmental Service;

14 (v) overseas programs of the University College of the University  
15 System of Maryland;

16 (vi) Maryland Economic Development Corporation;

17 (vii) Maryland Technology Development Corporation; and

18 (viii) Maryland African American Museum Corporation;

19 (3) a person who:

20 (i) is a member of a State board, commission, or similar State  
21 entity; or

22 (ii) 1. is providing a service to or for the State;

23 2. is not paid in whole or in part by the State; and

24 3. satisfies all other requirements for designation as State  
25 personnel as may be set forth in regulations adopted by the Treasurer pursuant to  
26 Title 10 of this article;

27 (4) an individual who, without compensation, exercises a part of the  
28 sovereignty of the State;

29 (5) a student enrolled in a State educational institution:

1 (i) who is providing services to third parties in the course of  
2 participation in an approved clinical training or academic program;

3 (ii) who, as determined by the Treasurer, is required to have  
4 liability insurance covering claims arising from services to third parties performed by  
5 the student in the course of the approved clinical training or academic program;

6 (iii) who, as determined by the Treasurer, cannot obtain commercial  
7 liability insurance at an affordable cost; and

8 (iv) who, as determined by the Treasurer, may be required to  
9 contribute to an insurance program for claims arising from services to third parties  
10 performed by the student in the course of the approved clinical training or academic  
11 program;

12 (6) a sheriff [or], deputy sheriff, OR RESERVE DEPUTY of a county or  
13 Baltimore City;

14 (7) an employee of a county who is assigned to a local department of  
15 social services, including a Montgomery County employee who carries out State  
16 programs administered under Article 88A, § 13A(b) of the Code;

17 (8) a State's Attorney of a county or Baltimore City, or an employee of an  
18 office of a State's Attorney;

19 (9) a member of a board of license commissioners of a county or  
20 Baltimore City appointed under the provisions of Article 2B of the Code, or an  
21 employee of a board of license commissioners;

22 (10) a member of a board of supervisors of elections of a county or  
23 Baltimore City, or an employee of a board of supervisors of elections;

24 (11) a judge of a circuit court of a county or Baltimore City, or an employee  
25 of a circuit court;

26 (12) a judge of an orphans' court of a county or Baltimore City, or an  
27 employee of an orphans' court;

28 (13) to the extent of a nonprofit organization's activities as a third party  
29 payee, and to the extent the nonprofit organization has no other insurance for this  
30 purpose, a nonprofit organization that has been approved by the Department of  
31 Human Resources or its designee to serve as a third party payee for purposes of  
32 providing temporary cash assistance, transitional assistance, or child-specific  
33 benefits to Family Investment Program recipients; or

34 (14) a student, faculty, or staff member of an institution of higher  
35 education who is providing a service under the Family Investment Program in  
36 accordance with the provisions of Article 88A, § 47 or § 53 of the Code.

1 (b) In this subtitle, a unit of the State government includes the Montgomery  
2 County government to the extent that Montgomery County administers a State  
3 program under Article 88A, § 13A(b) of the Code.

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