
By: **Prince George's County Delegation**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Local State of Emergency - Prince George's County - Reserve Sheriff's**
3 **Deputies**
4 **PG 319-06**

5 FOR the purpose of authorizing the Sheriff of Prince George's County to appoint
6 reserve deputies to perform law enforcement duties in the event of a declared
7 local state of emergency in Prince George's County; providing for the number of
8 deputies to be appointed and compensation for reserve deputies; providing that
9 the reserve deputy sheriffs serve only during a declared local state of emergency;
10 requiring reserve deputies to meet certain requirements; requiring the Police
11 Training Commission to establish certain programs for certain applicants for the
12 position of reserve deputy; altering the definition of "State personnel" for the
13 purposes of the Maryland Tort Claims Act to include "reserve deputy of a county
14 or Baltimore City"; and generally relating to reserve deputies in Prince George's
15 County.

16 BY repealing and reenacting, with amendments,
17 Article - Public Safety
18 Section 3-207
19 Annotated Code of Maryland
20 (2003 Volume and 2005 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Public Safety
23 Section 14-101(c) and 14-111
24 Annotated Code of Maryland
25 (2003 Volume and 2005 Supplement)

26 BY adding to
27 Article - Public Safety
28 Section 14-111.1
29 Annotated Code of Maryland

1 (2003 Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article State Government

4 Section 12-101

5 Annotated Code of Maryland

6 (2004 Replacement Volume and 2005 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Public Safety**

10 3-207.

11 Subject to the authority of the Secretary, the Commission has the following
12 powers and duties:

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

16 (2) to approve and issue certificates of approval to police training
17 schools;

18 (3) to inspect police training schools;

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

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

22 (i) curriculum;

23 (ii) minimum courses of study;

24 (iii) attendance requirements;

25 (iv) eligibility requirements;

26 (v) equipment and facilities;

27 (vi) standards of operation; and

28 (vii) minimum qualifications for instructors;

29 (6) to require, for entrance-level police training and at least every 3
30 years for in-service level police training conducted by the State and each county and
31 municipal police training school, that the curriculum and minimum courses of study

1 include special training, attention to, and study of the application and enforcement of
2 the criminal laws concerning rape and sexual offenses, including:

- 3 (i) the sexual abuse of children;
- 4 (ii) related evidentiary procedures; and
- 5 (iii) the contact with and treatment of victims of these crimes;

6 (7) to certify and issue appropriate certificates to qualified instructors
7 for police training schools authorized by the Commission to offer police training
8 programs;

9 (8) to verify that police officers have satisfactorily completed training
10 programs and issue diplomas to those police officers;

11 (9) to conduct and operate police training schools authorized by the
12 Commission to offer police training programs;

13 (10) to make a continuous study of entrance-level and in-service training
14 methods and procedures;

15 (11) to consult with and accept the cooperation of any recognized federal,
16 State, or municipal law enforcement agency or educational institution;

17 (12) to consult and cooperate with universities, colleges, and institutions
18 in the State to develop specialized courses of study for police officers in police science
19 and police administration;

20 (13) to consult and cooperate with other agencies and units of the State
21 concerned with police training; [and]

22 (14) TO ESTABLISH A CERTIFICATION PROGRAM FOR QUALIFIED
23 APPLICANTS FOR THE POSITION OF RESERVE DEPUTY IN A SHERIFF'S OFFICE; AND

24 [(14)] (15) to perform any other act that is necessary or appropriate to
25 carry out the powers and duties of the Commission under this subtitle.

26 14-101.

27 (c) "Emergency" means the threat or occurrence of:

28 (1) a hurricane, tornado, storm, flood, high water, wind-driven water,
29 tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, and
30 any other disaster in any part of the State that requires State assistance to
31 supplement local efforts in order to save lives and protect public health and safety; or

32 (2) an enemy attack, act of terrorism, or public health catastrophe.

1 (a) Only the principal executive officer of a political subdivision may declare a
2 local state of emergency.

3 (b) (1) Except with the consent of the governing body of the political
4 subdivision, a local state of emergency may not continue or be renewed for longer
5 than 7 days.

6 (2) An order or proclamation that declares, continues, or terminates a
7 local state of emergency shall be:

8 (i) given prompt and general publicity; and

9 (ii) filed promptly with the chief local records-keeping agency.

10 (c) Declaration of a local state of emergency:

11 (1) activates the response and recovery aspects of any applicable local
12 state of emergency plan; and

13 (2) authorizes the provision of aid and assistance under the applicable
14 plan.

15 14-111.1.

16 (A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

17 (B) AFTER A LOCAL STATE OF EMERGENCY HAS BEEN DECLARED BY THE
18 PRINCIPAL EXECUTIVE OFFICER OF PRINCE GEORGE'S COUNTY, THE SHERIFF OF
19 PRINCE GEORGE'S COUNTY MAY APPOINT RESERVE DEPUTIES TO PERFORM LAW
20 ENFORCEMENT DUTIES IN THE SHERIFF'S OFFICE.

21 (C) THE SHERIFF SHALL DETERMINE THE NUMBER OF RESERVE DEPUTIES TO
22 BE APPOINTED.

23 (D) COMPENSATION FOR THE RESERVE DEPUTIES, IF ANY, SHALL BE AS
24 PROVIDED IN THE COUNTY BUDGET.

25 (E) RESERVE DEPUTIES MAY CONDUCT INVESTIGATIONS AND MAKE ARRESTS
26 THAT RELATE DIRECTLY TO LAW ENFORCEMENT ACTIVITIES AND THE PROTECTION
27 OF LIFE AND PROPERTY.

28 (F) RESERVE DEPUTIES SHALL SERVE ONLY DURING A DECLARED LOCAL
29 STATE OF EMERGENCY.

30 (G) AN INDIVIDUAL MAY NOT SERVE AS A RESERVE DEPUTY SHERIFF UNLESS
31 THE INDIVIDUAL IS:

32 (1) A RETIRED FEDERAL OR LOCAL LAW ENFORCEMENT OFFICER;

33 (2) UNDER THE AGE OF 65 YEARS; AND

1 (3) CERTIFIED BY THE POLICE TRAINING COMMISSION.

2 **Article - State Government**

3 12-101.

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

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

8 (2) an employee or official of the:

9 (i) Maryland Transportation Authority;

10 (ii) Injured Workers' Insurance Fund;

11 (iii) Maryland Stadium Authority;

12 (iv) Maryland Environmental Service;

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

15 (vi) Maryland Economic Development Corporation;

16 (vii) Maryland Technology Development Corporation;

17 (viii) Maryland African American Museum Corporation; and

18 (ix) Maryland Automobile Insurance Fund;

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 SHERIFF of a
13 county or 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 local board of elections, or an employee of a local board
23 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, 2006.