

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 948
Judiciary

(Prince George's County Delegation)

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

This bill authorizes the Sheriff of Prince George's County to appoint reserve deputies during a local state of emergency. It provides for the number of appointments and specifies the powers of reserve deputies. A reserve deputy must be a retired federal or local law enforcement officer, under age 65, and certified by the Police Training Commission. Compensation for the reserve deputies, if any, must be made as provided in the county budget. The Police Training Commission is required to establish a certification program for applicants for the position of reserve deputy.

The bill also alters the definition of "State personnel" for the purposes of the Maryland Tort Claims Act to include reserve deputies of a county or Baltimore City.

Fiscal Summary

State Effect: State expenditures would increase by \$8,500 in FY 2007 only to implement a training program for reserve deputy sheriffs. Revenues would not be affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	8,500	0	0	0	0
Net Effect	(\$8,500)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: For each reserve deputy, Prince George's County expenditures for equipment and operating expenses are estimated to increase by \$29,000 in the deputy's initial year and by \$14,200 in subsequent years.

Small Business Effect: None.

Analysis

Current Law: Only the principal executive officer of a political subdivision may declare a local state of emergency. A local state of emergency may not continue or be renewed for longer than seven days without the consent of its governing body.

Under the Maryland Tort Claims Act (MTCA), State personnel are immune from liability for acts or omissions performed in the course of their official duties, so long as the acts or omissions are made without malice or gross negligence. The State essentially waives its own common law immunity for its employees' actions. The MTCA limits the liability of the State to \$200,000 to a single claimant for injuries arising from a single incident. The MTCA's definition of State personnel includes a sheriff or deputy sheriff of a county or Baltimore City.

The Local Government Tort Claims Act (LGTC) defines local government to include counties, municipal corporations, and Baltimore City, and various agencies and authorities of local governments, such as community colleges, county public libraries, special taxing districts, nonprofit community service corporations, sanitary districts, housing authorities, and commercial district management authorities.

LGTC limits the liability of a local government to \$200,000 per individual claim and \$500,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts). It further provides that the local government is liable for tortious acts or omissions of its employees acting within the scope of employment. It thus prevents local governments from asserting a common law claim of governmental immunity from liability for such acts of its employees.

State Fiscal Effect: *Although the Department of Legislative Services made repeated requests to Prince George's County for information on this bill, no information was received.* Information was received from the Police and Correctional Training Commission (PCTC). The local cost estimates of this fiscal note are based on cost estimates made by Frederick County for similar legislation applicable to that county introduced in 2005.

The State would incur no additional cost to altering the definition of "State personnel" for purposes of the MTCA to include "reserve deputy of a county or Baltimore City."

PCTC advises that it would cost the State \$8,500 to create a new certification process for reserve deputy sheriffs. **Exhibit 1** shows the breakdown of the costs that would be

incurred by PCTC to implement this process. PCTC advises that these costs would be one-time expenditures to implement the program, and that expenditures required to maintain the program could be handled with existing resources.

Exhibit 1
Cost to Implement Reserve Deputy Sheriffs' Training Program

Changes to the PCTC computerized system	\$3,600
Purchase of a computer, printer, and operating software	2,200
Development and printing of new certification cards	1,100
Temporary clerical assistance for training program development	<u>1,600</u>
Total	\$8,500

Local Fiscal Effect: Legislative Services assumes that the reserve deputy positions would be filled by volunteers, and that there will be no cost incurred for salaries and benefits; however, there will be costs incurred for equipment, uniforms, and operational expenses. New equipment and uniforms would only be purchased for each reserve deputy in the initial year. Based on an assumption that 10 such volunteers would be taken on, it would cost the county \$29,022 for each reserve deputy in the initial year and \$14,158 for each reserve deputy in subsequent years. The total cost to the county in fiscal 2007 would be \$290,220 and \$141,580 beginning in fiscal 2008. **Exhibit 2** shows the breakdown of Prince George's County expenditures for implementing the reserve deputy program for both the initial year as well as the annual cost for out-years.

Exhibit 2
Total Estimated County Expenditures for Each Reserve Deputy

<u>Expense</u>	<u>Initial Expenditure</u>	<u>Out-year Expenditure</u>
Fleet fuel	\$3,000	\$3,000
Motor pool direct	7,000	7,000
Liability insurance	800	800
Telephone (voicemail)	45	45
Wireless communication	1,200	1,200
Postage and printing	40	0
Training and travel	2,500	500
Police hardware	4,664	400
Uniforms and equipment	1,710	250
Cleaning allowance	400	400
Consumable supplies	63	63
Firearms	500	500
Handgun, shotgun, MDC	<u>7,100</u>	<u>0</u>
Total	\$29,022	\$14,158

Additional Information

Prior Introductions: Similar bills (cross files) authorizing the appointment of reserve deputies in Frederick County were introduced in 2005. SB 819 was withdrawn without a hearing and HB 924 received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Prince George's County, Maryland State Treasurer's Office, Department of Public Safety and Correctional Services, Department of Legislative Services

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