

SENATE BILL 813

D2

71r2686

By: **Senator Colburn**

Introduced and read first time: February 16, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County – Appointment of Members of Fire Companies as Deputy**
3 **Sheriffs**

4 FOR the purpose of including Dorchester County in the list of counties in which the
5 sheriff may appoint as deputy sheriffs certain members of certain fire
6 companies to exercise the powers of deputy sheriffs at fires and while going to
7 and from fires and appoint as deputy sheriffs certain members of certain fire
8 companies to exercise the powers of deputy sheriffs at certain events; and
9 generally relating to the appointment of members of fire companies as deputy
10 sheriffs in Dorchester County.

11 BY repealing and reenacting, without amendments,
12 Article – Public Safety
13 Section 7–301
14 Annotated Code of Maryland
15 (2003 Volume and 2006 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 7–302 and 7–303
19 Annotated Code of Maryland
20 (2003 Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Public Safety**

2 7–301.

3 In this subtitle, “commanding officer” means the captain, chief, or other officer
4 in charge of a fire company or ambulance company.

5 7–302.

6 (a) This section applies only to Baltimore County, Caroline County, Cecil
7 County, **DORCHESTER COUNTY**, Queen Anne’s County, and Washington County.

8 (b) The sheriff of a county subject to this section may appoint as deputy
9 sheriffs members of fire companies, whether volunteer, career, incorporated, or
10 unincorporated, to exercise the powers of deputy sheriffs at fires and while going to
11 and from fires.

12 (c) (1) The commanding officer may designate three members of the fire
13 company to be appointed as deputy sheriffs.

14 (2) The commanding officer may be one of the three members
15 designated under this subsection.

16 (d) (1) (i) Except in Caroline County, the sheriff of a county subject to
17 this section shall appoint as deputy sheriff a member of the fire company designated
18 under subsection (c) of this section on request of the designated member.

19 (ii) In Caroline County, the Sheriff of Caroline County may
20 appoint the designated member as deputy sheriff.

21 (2) A request for appointment shall be accompanied by a written
22 certificate of designation signed by the commanding officer.

23 (e) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
24 member of a fire company appointed as deputy sheriff under this section may exercise
25 the powers of deputy sheriffs at fires and while going to and from fires.

26 (2) The powers of members appointed as deputy sheriffs do not apply
27 and may not be exercised in a municipal corporation that maintains an organized
28 police force.

1 (3) In Washington County, a member appointed as deputy sheriff has
2 the powers necessary to perform the duties of deputy sheriffs while going to,
3 functioning at, or returning from:

4 (i) fires;

5 (ii) accidents;

6 (iii) floods;

7 (iv) other emergencies; or

8 (v) other functions conducted by a fire company.

9 (f) (1) The appointment of a member of a fire company as deputy sheriff
10 terminates if the member ceases to be a member of the fire company.

11 (2) The sheriff of a county subject to this section may remove a
12 member appointed as deputy sheriff at any time for just cause.

13 (3) If a member appointed as deputy sheriff dies, resigns, is dismissed,
14 refuses to serve, or is unable to serve, the commanding officer may designate another
15 member of the fire company to be appointed as deputy sheriff.

16 (4) (i) Except in Caroline County, if the commanding officer
17 designates another member of the fire company to be appointed as deputy sheriff, the
18 sheriff of the county shall appoint that member as deputy sheriff, subject to
19 subsections (d) and (e) of this section.

20 (ii) In Caroline County, the Sheriff of Caroline County may
21 appoint the designated member as deputy sheriff.

22 (g) In Washington County, a member of a fire company appointed as deputy
23 sheriff under this section is deemed an appointed official and shall be treated as an
24 appointed official for purposes of Titles 22 and 23 of the State Personnel and Pensions
25 Article.

26 7-303.

27 (a) (1) This section applies only to Allegany County, Carroll County, Cecil
28 County, **DORCHESTER COUNTY**, Frederick County, Harford County, Kent County,
29 Somerset County, Wicomico County, and Worcester County.

1 (2) Except as modified by this section, the provisions of § 7-302 of this
2 subtitle apply to this section.

3 (b) (1) Except as provided in paragraph (2) of this subsection, the
4 commanding officer may designate 12 members of a fire company to be appointed as
5 deputy sheriffs.

6 (2) In Cecil County, the commanding officer may designate 20
7 members of a fire company to be appointed as deputy sheriffs.

8 (c) (1) The sheriff of a county subject to this section may require a
9 member of a fire company appointed as deputy sheriff to demonstrate a satisfactory
10 level of training in those areas of law enforcement commensurate with the duties of
11 deputy sheriff described in this section.

12 (2) If the sheriff requires demonstration of a satisfactory level of
13 training, then the sheriff must provide the training, at a time and place that the
14 sheriff considers suitable.

15 (d) (1) The powers of members of fire companies appointed as deputy
16 sheriffs under this section are limited to those necessary to perform the duties of
17 deputy sheriffs while functioning at:

18 (i) parades;

19 (ii) accidents;

20 (iii) floods;

21 (iv) other emergencies; or

22 (v) public events conducted by or under the auspices of a fire
23 company or the sheriff's department.

24 (2) The powers authorized under this subsection may be exercised:

25 (i) in a municipal corporation, subject to the discretion and
26 control of the chief of the police force of the municipal corporation;

27 (ii) in other areas of the county; and

1 (iii) on State roads, subject to the discretion and control of the
2 Department of State Police.

3 (3) A member appointed as deputy sheriff is deemed to be performing
4 the duties of deputy sheriff when on duty and wearing a badge of authority.

5 (4) A member appointed as deputy sheriff may not use a weapon in the
6 performance of duties authorized under this subsection.

7 (5) In Allegany County, Carroll County, Frederick County, and
8 Harford County, a member appointed as deputy sheriff may also perform traffic
9 control for public functions held by a municipal corporation, group, or committee on
10 request for and approval of the services by the sheriff.

11 (e) (1) (i) A member appointed as deputy sheriff performing the duties
12 of deputy sheriff in an emergency situation to which a fire company or ambulance
13 company has been dispatched by the Allegany County Emergency Management Center
14 in Allegany County, the Frederick County Central Alarm Board in Frederick County,
15 or the Carroll County Emergency Operations Center in Carroll County, is subject to
16 the authority of the commanding officer of that fire company or ambulance company.

17 (ii) If a member appointed as deputy sheriff is not a member in
18 good standing of the fire company or ambulance company that has been dispatched,
19 then the member may not perform the duties described in this section.

20 (2) A member appointed as deputy sheriff performing the duties of
21 deputy sheriff at a public event conducted by or under the auspices of a fire company
22 or ambulance company is subject to the authority of the commanding officer of that
23 fire company or ambulance company.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2007.