

CHAPTER 430

(House Bill 726)

AN ACT concerning

Washington County – Fire Police Appointments

FOR the purpose of authorizing the commanding officer to designate to the Sheriff of Washington County, in a certain manner, a certain number of members of certain fire or ambulance companies to serve as fire police in Washington County; requiring the Sheriff of Washington County to appoint certain individuals to serve as fire police in Washington County; providing that certain powers are granted to individuals appointed to serve as fire police in Washington County; prohibiting individuals serving as fire police in Washington County from using a weapon in the performance of certain duties; providing for the termination of members of certain fire or ambulance companies who are serving as fire police in Washington County; providing that individuals appointed to serve as fire police in Washington County receive certain State benefits; repealing certain powers of a deputy sheriff in Washington County; repealing certain provisions relating to pension and retirement benefits for certain members of a fire company appointed as deputy sheriffs; defining a certain term; and generally relating to fire police appointments in Washington County.

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

BY adding to
Article – Public Safety
Section 7–304
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Article – Public Safety

7-302.

(a) This section applies only to Baltimore County, Caroline County, Cecil County, **AND** Queen Anne's County[, and Washington County].

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

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

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

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

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

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

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

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

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

(i) fires;

(ii) accidents;

- (iii) floods;
- (iv) other emergencies; or
- (v) other functions conducted by a fire company.]

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

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

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

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

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

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

7-304.

(A) IN THIS SECTION, "FIRE AND AMBULANCE COMPANY" MEANS A VOLUNTEER, CAREER, INCORPORATED, OR UNINCORPORATED FIRE OR AMBULANCE COMPANY.

(B) THIS SECTION APPLIES ONLY TO WASHINGTON COUNTY.

(C) (1) (I) THE COMMANDING OFFICER MAY DESIGNATE TO THE SHERIFF OF WASHINGTON COUNTY UP TO 20 INDIVIDUALS WHO ARE MEMBERS

OF THE COMMANDING OFFICER'S FIRE OR AMBULANCE COMPANY TO BE APPOINTED AS FIRE POLICE IN WASHINGTON COUNTY.

(II) A WRITTEN CERTIFICATE OF DESIGNATION SIGNED BY THE COMMANDING OFFICER SHALL ACCOMPANY EACH REQUEST FOR APPOINTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) THE SHERIFF OF WASHINGTON COUNTY SHALL APPOINT INDIVIDUALS TO SERVE AS FIRE POLICE IN WASHINGTON COUNTY FROM THOSE MEMBERS DESIGNATED BY THE COMMANDING OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) (1) THE POWERS OF INDIVIDUALS SERVING AS FIRE POLICE IN WASHINGTON COUNTY ARE LIMITED TO TRAFFIC CONTROL AND SCENE SAFETY WHILE FUNCTIONING AT:

(I) PARADES;

(II) ACCIDENTS;

(III) FIRES;

(IV) FLOODS;

(V) OTHER EMERGENCIES; OR

(VI) PUBLIC EVENTS CONDUCTED BY A FIRE OR AMBULANCE COMPANY OR THE SHERIFF'S DEPARTMENT.

(2) THE POWERS AUTHORIZED UNDER THIS SUBSECTION MAY BE EXERCISED:

(I) IN A MUNICIPAL CORPORATION IN WASHINGTON COUNTY, SUBJECT TO THE DISCRETION, AND CONTROL OF THE CHIEF OF THE POLICE FORCE OF THE MUNICIPAL CORPORATION; OR

(II) IN OTHER AREAS OF WASHINGTON COUNTY.

(3) AN INDIVIDUAL APPOINTED TO SERVE AS FIRE POLICE IN WASHINGTON COUNTY MAY NOT USE A WEAPON IN THE PERFORMANCE OF DUTIES AUTHORIZED UNDER THIS SUBSECTION.

(E) (1) THE APPOINTMENT OF A MEMBER OF A FIRE OR AMBULANCE COMPANY AS FIRE POLICE IN WASHINGTON COUNTY TERMINATES IF THE MEMBER CEASES TO BE A MEMBER OF THE FIRE OR AMBULANCE COMPANY.

(2) THE SHERIFF OF WASHINGTON COUNTY MAY REMOVE A MEMBER APPOINTED AS FIRE POLICE AT ANY TIME.

(3) IF A MEMBER APPOINTED TO SERVE AS FIRE POLICE IN WASHINGTON COUNTY DIES, RESIGNS, IS DISMISSED, REFUSES TO SERVE, OR IS UNABLE TO SERVE, THE COMMANDING OFFICER MAY DESIGNATE ANOTHER MEMBER OF THE FIRE OR AMBULANCE COMPANY TO BE APPOINTED AS FIRE POLICE.

(F) AN INDIVIDUAL APPOINTED TO SERVE AS FIRE POLICE IN WASHINGTON COUNTY UNDER THIS SECTION IS DEEMED AN APPOINTED OFFICIAL AND SHALL BE TREATED AS AN APPOINTED OFFICIAL FOR PURPOSES OF TITLE 22 AND TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

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

Approved by the Governor, May 8, 2007.