

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1550 (Delegate Vallario)
Environmental Matters

Ethics - Sheriffs - Educational Activity Outside of Employment Authorized

This bill exempts a sheriff, elected under Article IV, § 44 of the Maryland Constitution, who gives a lecture, speaks, teaches, writes, or otherwise participates in an educational activity from specified provisions of public ethics laws prohibiting an official or employee from (1) being employed by or having a financial interest in specified entities or (2) holding any other employment relationship if the employment relationship impairs the impartiality and independent judgment of the official or employee.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: An official or employee may not be employed by or have a financial interest in (1) an entity subject to the authority of that official or employee or the governmental unit with which the official or employee is affiliated or (2) an entity that is negotiating or has entered into a contract with the governmental unit or an entity that is a subcontractor on a contract with the governmental unit. An official or employee may not hold any other employment relationship if that employment relationship impairs the impartiality and independent judgment of the official or employee.

Specified exceptions apply, including if the employment or financial interest is allowed by regulation of the State Ethics Commission and the employment does not create a conflict of interest or the appearance of a conflict of interest, or the financial interest is disclosed. State Ethics Commission regulations specify various criteria generally relating to exceptions to these ethics rules.

A sheriff is included under the definition of “official.”

Background: Under the Maryland Constitution, a sheriff is elected in each county and Baltimore City for a term of four years. A sheriff must be a resident in the applicable jurisdiction, over the age of 25, and a citizen of the State for at least five years preceding election to the office.

According to the Maryland Sheriff’s Association, the duties of a sheriff fall into three main categories:

- Law enforcement – having the same powers as other Maryland law enforcement officials to arrest and detain individuals that have broken the law and serving as the primary law enforcement official in some Maryland communities;
- Court duties and civil process – including maintenance of the safety and security of Maryland’s courts; serving subpoenas, summonses, warrants, writs, or civil process; enforcing money decrees, and collecting taxes; and
- Correctional facility administration – maintaining detention facilities and their populations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Ethics Commission, Baltimore County, Garrett County, Howard County, Montgomery County, Maryland Sheriff’s Association, Department of Legislative Services

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ncs/mcr

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