

HOUSE BILL 1089

D2

2lr2464

By: **Calvert County Delegation**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Appointment of Assistant Sheriff – Candidates**

3 FOR the purpose of requiring the Sheriff of Calvert County to appoint as assistant
4 sheriff an individual who is an active duty deputy sheriff and holds a certain
5 rank in the Calvert County Sheriff's Office or an individual who is not a current
6 employee of the Sheriff's Office; establishing that the Sheriff has sole discretion
7 to appoint the assistant sheriff; authorizing the Sheriff to appoint the assistant
8 sheriff without subjecting the candidate to a written examination; establishing
9 that the assistant sheriff serves at the pleasure of the Sheriff; establishing the
10 salary, benefits, and merit status of the assistant sheriff based on the position
11 the assistant sheriff held immediately before appointment; requiring an active
12 duty deputy sheriff who was appointed to the position of assistant sheriff to be
13 permitted to return to the position the assistant sheriff held before appointment
14 including certain salary adjustments; and generally relating to sheriffs in
15 Calvert County.

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 2–309(f)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2011 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.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Courts and Judicial Proceedings**

2 2–309.

3 (f) (1) (i) The Sheriff of Calvert County shall receive an annual salary
4 of:

- 5 1. \$78,000 for calendar year 2006;
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- 6 2. \$81,000 for calendar year 2007;
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- 7 3. \$84,000 for calendar year 2008; and
-
- 8 4. \$87,000 for calendar year 2009 and each subsequent
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- 9 calendar year.

10 (ii) 1. On or after January 1, 2011, the County
11 Commissioners may pay to the Sheriff additional compensation equal to the amount of
12 contributions the County Commissioners would have made to the Calvert County
13 Employees' Savings Plan on behalf of the Sheriff for the years of service the Sheriff
14 accrued as the Sheriff of Calvert County prior to joining the Calvert County
15 Employees' Savings Plan.16 2. The amount payable in subsubparagraph 1 of this
17 subparagraph may be made in one or more payments as deemed appropriate by the
18 County Commissioners.19 (2) The Sheriff may appoint deputy sheriffs in the number and at the
20 salary approved by the County Commissioners. The deputy sheriffs shall serve under
21 the direction of the Sheriff. Within one year of their appointment, they shall complete
22 the course prescribed for police officers by the Maryland Police Training Commission.
23 The deputy sheriffs funded by the County Commissioners will become merit system
24 employees of the Calvert County Sheriff's Office upon completion of their initial
25 probation period and may not be dismissed without cause, except the deputy sheriffs
26 funded through grants or other sources may be dismissed without cause when the
27 funding source is depleted. There may be no honorary deputy sheriffs of Calvert
28 County and no one is authorized to carry badges, certificates, or other materials for
29 the purpose of identifying the bearer as an honorary deputy sheriff. However, the
30 Sheriff may appoint as special deputy sheriffs any members of the police force of the
31 towns of North Beach or Chesapeake Beach who shall have all of the powers and
32 authority of the deputy sheriffs. The County Commissioners are authorized to
33 reimburse the towns of North Beach and Chesapeake Beach in whole or in part for
34 services performed by the special deputy sheriffs outside the town limits.35 (3) (I) The Sheriff may appoint 1 full-time assistant sheriff who
36 shall:

1 [(i)] 1. Serve under the direction of the Sheriff; and

2 [(ii)] 2. Be designated by the Sheriff as a line officer.

3 (II) THE SHERIFF SHALL APPOINT AN INDIVIDUAL TO
4 SERVE AS THE ASSISTANT SHERIFF WHO:

5 1. IS AN ACTIVE DUTY DEPUTY SHERIFF AND HOLDS
6 THE RANK OF A COMMISSIONED OFFICER IN THE CALVERT COUNTY SHERIFF'S
7 OFFICE; OR

8 2. IS NOT A CURRENT EMPLOYEE OF THE CALVERT
9 COUNTY SHERIFF'S OFFICE.

10 (III) 1. THE APPOINTMENT OF THE ASSISTANT SHERIFF
11 IS IN THE SOLE DISCRETION OF THE SHERIFF.

12 2. THE SHERIFF MAY APPOINT THE ASSISTANT
13 SHERIFF WITHOUT SUBJECTING THE CANDIDATE TO A WRITTEN EXAMINATION.

14 3. THE ASSISTANT SHERIFF SERVES AT THE
15 PLEASURE OF THE SHERIFF.

16 (IV) 1. IF THE ASSISTANT SHERIFF WAS AN ACTIVE DUTY
17 DEPUTY SHERIFF IN THE CALVERT COUNTY SHERIFF'S OFFICE IMMEDIATELY
18 BEFORE APPOINTMENT, THE ASSISTANT SHERIFF:

19 A. SHALL RECEIVE AN ANNUAL SALARY THAT DOES
20 NOT EXCEED BY MORE THAN 6 PERCENT THE SALARY OF THE HIGHEST RANKING
21 OFFICER IN THE CALVERT COUNTY SHERIFF'S OFFICE;

22 B. SHALL RETAIN MERIT STATUS; AND

23 C. AT THE END OF AN APPOINTMENT, SHALL BE
24 PERMITTED TO RETURN TO THE PREVIOUS RANK THE ASSISTANT SHERIFF HELD
25 PRIOR TO APPOINTMENT, INCLUDING ANY COST-OF-LIVING ADJUSTMENTS AND
26 SALARY STEP INCREASES THE ASSISTANT SHERIFF WOULD HAVE RECEIVED IF
27 THE DEPUTY SHERIFF HAD NOT BEEN APPOINTED ASSISTANT SHERIFF.

28 2. IF THE ASSISTANT SHERIFF WAS NOT AN
29 EMPLOYEE OF THE CALVERT COUNTY SHERIFF'S OFFICE IMMEDIATELY
30 BEFORE APPOINTMENT, THE ASSISTANT SHERIFF:

1 **A. SHALL RECEIVE AN ANNUAL SALARY THAT IS**
2 **ESTABLISHED THROUGH A MUTUAL AGREEMENT BETWEEN THE SHERIFF AND**
3 **THE COUNTY COMMISSIONERS OF CALVERT COUNTY; ~~AND~~**

4 **B. SHALL BE AFFORDED ALL THE BENEFITS**
5 **AVAILABLE TO FULL-TIME EMPLOYEES IN THE CALVERT COUNTY SHERIFF'S**
6 **OFFICE; AND**

7 **C. MAY NOT BE GIVEN MERIT STATUS.**

8 (4) (i) Except as provided in subparagraph (ii) of this paragraph,
9 any Sheriff of Calvert County who, since 1948, has served for three or more terms
10 shall receive a pension when he leaves office in the annual amount of \$150 for each
11 year served. This pension shall be paid not less frequently than once a month.

12 (ii) This paragraph does not apply to a term of office that begins
13 on or after July 1, 1988.

14 (5) (i) The County Commissioners of Calvert County may provide
15 in their annual budget for a pension to be paid to the surviving spouse, if any, of any
16 Sheriff of Calvert County who was in office as of October 1970.

17 (ii) The pension shall be in the amount of \$250 a month and
18 shall be paid to the surviving spouse, if any, for the life of that surviving spouse.

19 (6) (i) This paragraph applies to an individual who:

20 1. On or after July 1, 2008, serves as the Sheriff of
21 Calvert County; and

22 2. As the Sheriff of Calvert County does not participate
23 in the Employees' Pension System under Title 23 of the State Personnel and Pensions
24 Article.

25 (ii) An individual described in subparagraph (i) of this
26 paragraph may participate in the Calvert County Employees' Savings Plan.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2012.