

SENATE BILL 383

E4

5lr0958
CF HB 369

By: **Senators Hershey and Eckardt**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Appointment of Members of Fire Companies as Deputy Sheriffs –**
3 **Caroline County and Talbot County**

4 FOR the purpose of altering the applicability in Caroline County of certain provisions
5 governing the appointment and duties of members of fire companies as deputy
6 sheriffs; providing for the appointment and duties of members of fire companies as
7 deputy sheriffs in Talbot County; making conforming changes; and generally relating
8 to fire company members acting as deputy sheriffs.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 7–302(a), (d), (e), and (f)(4) and 7–303(a) through (d)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2014 Supplement)

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

16 **Article – Public Safety**

17 7–302.

18 (a) This section applies only to Baltimore County, **[Caroline County,]** Cecil
19 County, Dorchester County, and Queen Anne’s County.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

16 7–303.

17 (a) (1) This section applies only to Allegany County, **CAROLINE COUNTY**,
18 Carroll County, Cecil County, Dorchester County, Frederick County, Harford County, Kent
19 County, Somerset County, **TALBOT COUNTY**, Wicomico County, and Worcester County.

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

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

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

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

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

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

4 (i) parades;

5 (ii) accidents;

6 (iii) floods;

7 (iv) other emergencies; or

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

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

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

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

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

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

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

20 (5) In Allegany County, **CAROLINE COUNTY**, Carroll County, Frederick
21 County, [and] Harford County, **AND TALBOT COUNTY**, a member appointed as deputy
22 sheriff may also perform traffic control for public functions held by a municipal corporation,
23 group, or committee on request for and approval of the services by the sheriff.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2015.