

# SENATE BILL 191

D2

(3lr1309)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Jackson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County – Office of the Sheriff – ~~Duties and~~ Deputy Sheriffs and**  
3 **Labor Organizations**

4 FOR the purpose of increasing the number of full-time assistant sheriffs provided to the  
5 Sheriff of Prince George's County; providing that benefits other than salary increases  
6 for deputy sheriffs in Prince George's County will be negotiated by the Fraternal  
7 Order of Police rather than the Deputy Sheriffs' Association; ~~clarifying that the~~  
8 ~~Sheriff and deputy sheriffs of Prince George's County may investigate misdemeanor~~  
9 ~~and felony domestic violence calls and establishing that the Sheriff and deputy~~  
10 ~~sheriffs are not required to transfer the investigation to another law enforcement~~  
11 ~~agency;~~ and generally relating to the Prince George's County Office of the Sheriff.

12 BY repealing and reenacting, with amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 2–330

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Annotated Code of Maryland  
2 (2020 Replacement Volume and 2022 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 2–330.

7 (a) This section applies only in Prince George’s County.

8 (b) (1) The Sheriff of Prince George’s County shall receive:

9 (i) An annual salary of \$132,734 for calendar year 2013; and

10 (ii) For calendar year 2014 and each subsequent calendar year, an  
11 annual salary equal to the salary of a circuit court judge.

12 (2) The Sheriff shall:

13 (i) Be provided with an automobile during the term as Sheriff for  
14 the use and work of the Sheriff’s Office, with adequate maintenance and insurance for the  
15 automobile to be at the cost of the county; and

16 (ii) Receive not more than \$5,000 per year for expenses incurred in  
17 performing the duties of Sheriff, including training and education, an accounting of which  
18 shall be submitted to the County Director of Finance for approval.

19 (c) (1) (i) The Sheriff shall be provided with [four] **FIVE** full-time  
20 assistant sheriffs.

21 (ii) The assistant sheriffs shall be selected and appointed by the  
22 Sheriff and serve at the Sheriff’s pleasure.

23 (iii) One of the assistant sheriffs shall be appointed as the chief  
24 assistant sheriff.

25 (iv) The assistant sheriffs shall be considered line officers, if so  
26 designated by the Sheriff.

27 (2) Each assistant sheriff shall be provided with:

28 (i) An automobile for the duration of the assistant sheriff’s  
29 appointment, for the use and work of the Sheriff’s Office, with adequate maintenance and  
30 insurance of the automobile to be at the expense of the county; and

1 (ii) An expense allowance of not more than \$2,500 annually, an  
2 accounting of which shall be submitted to the County Director of Finance for approval.

3 (3) Each assistant sheriff may participate in the supplemental retirement  
4 program provided to deputy sheriffs by the county.

5 (4) The assistant sheriffs shall devote their full time and attention to the  
6 Sheriff's Office.

7 (5) (i) 1. Except as provided in subparagraph 2 of this  
8 subparagraph, the chief assistant sheriff shall receive an annual salary of \$71,091.

9 2. The salary of a commissioned deputy sheriff appointed to  
10 the position of chief assistant sheriff shall be provided for by the Sheriff in the budget of  
11 the county.

12 (ii) 1. Except as provided in subparagraph 2 of this  
13 subparagraph, the assistant sheriffs shall receive an annual salary of \$69,888.

14 2. The salary of commissioned deputy sheriffs serving as  
15 assistant sheriffs shall be provided for by the Sheriff in the budget of the county.

16 (d) (1) The Sheriff and the assistant sheriffs shall be provided with an annual  
17 clothing allowance equal to that which is provided to deputy sheriffs of all ranks for the  
18 procurement, care, and upkeep of clothing and leather goods, and administered for that  
19 purpose.

20 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the  
21 Sheriff, chief assistant sheriff, and assistant sheriffs shall receive each benefit, other than  
22 salary increases, that is negotiated for the deputy sheriffs by the [Deputy Sheriffs'  
23 Association] **FRATERNAL ORDER OF POLICE** and granted to the management team of  
24 the Sheriff's Office.

25 (ii) Any additional or increased benefit does not apply to the  
26 incumbent Sheriff, but shall take effect at the beginning of the next following term of office.

27 (e) (1) (i) In addition to the assistant sheriffs, the Sheriff shall be provided  
28 with the number of full-time employees, including civilian employees and commissioned  
29 deputy sheriffs, as is deemed necessary and appropriate to carry out the duties and  
30 discharge of the Sheriff's Office.

31 (ii) The cost and expense of the positions of the full-time employees,  
32 including the salaries, shall be provided for in the budget of the county.

33 (2) (i) All full-time civilian employees shall be subject to the county  
34 personnel law.

1 (ii) Civilian employees shall:

2 1. Have the right to organize and bargain collectively; and

3 2. Be subject to the Prince George's County Labor Code with  
4 regard to collective bargaining for compensation, including pension and fringe benefits,  
5 hours, and terms and conditions of employment.

6 (iii) The County Executive of Prince George's County shall be  
7 considered the employer of the civilian employees only for the purpose of collective  
8 bargaining for compensation, including pension and fringe benefits, and hours.

9 (iv) 1. Subject to the provisions of subsubparagraph 2 of this  
10 subparagraph, the Sheriff shall be considered the employer for purposes of collective  
11 bargaining for other terms and conditions of employment.

12 2. Any required funding for a collective bargaining  
13 agreement negotiated by the Sheriff shall be subject to the approval of the County  
14 Executive.

15 (f) (1) Except for the assistant sheriffs, all full-time deputy sheriffs of all  
16 ranks, provided for the Sheriff in the budget of the county, may be required by the Sheriff  
17 to serve a probationary period of 12 months on commencement of any position in the  
18 Sheriff's department.

19 (2) The probationary period may be extended by the Sheriff for reasonable  
20 cause.

21 (3) During the probationary period, the determination of the employee's  
22 qualifications and ability to serve in the position of a permanent, nonprobationary employee  
23 shall be within the exclusive discretion of the Sheriff.

24 (4) All probationary commissioned deputy sheriffs shall be required to  
25 complete the minimum number of hours as mandated for other law enforcement agencies,  
26 as set by the Maryland Police Training and Standards Commission.

27 (g) (1) Except for the assistant sheriffs, all commissioned full-time employees,  
28 including deputy sheriffs of all ranks and court security officers, that are provided for by  
29 the Sheriff in the budget of the county, shall be subject to the county personnel law.

30 (2) All nonprobationary commissioned full-time employees, including  
31 deputy sheriffs of all ranks, are subject to [the Law Enforcement Officers' Bill of Rights]  
32 **TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.**

33 (3) (i) All commissioned full-time employees, including deputy sheriffs  
34 of all ranks and court security officers, are also subject to the Labor Code of the county with

1 regard to collective bargaining for compensation, including pension and other fringe  
2 benefits, hours, and terms and conditions of employment.

3 (ii) The County Executive shall be considered the employer of the  
4 deputy sheriffs and court security officers only for the purpose of collective bargaining for  
5 compensation, including pension and fringe benefits, and hours.

6 (iii) 1. Subject to the provisions of subsubparagraph 2 of this  
7 subparagraph, the Sheriff shall be considered the employer for purposes of collective  
8 bargaining for other terms and conditions of employment.

9 2. Any required funding for a collective bargaining  
10 agreement negotiated by the Sheriff shall be subject to the approval of the County  
11 Executive.

12 (h) (1) The Sheriff and the deputy sheriffs shall be limited in their duties as  
13 law enforcement officers, as follows:

14 (i) The full power of arrest;

15 (ii) The service of process of all writs, summonses, orders, petitions,  
16 subpoenas, warrants, rules to show cause, and all other legal papers;

17 (iii) The care and supervision of prisoners at any of the county  
18 detention centers, hospitals, penal institutions, or other places of confinement;

19 (iv) The security of all State and county courts and the performance  
20 of such duties as may be required of them by the courts;

21 (v) The transportation of all legally detained persons;

22 (vi) The administration and enforcement of casino night permits as  
23 authorized by the governing body of the county; and

24 (vii) As of October 1, 2007, specific duties as authorized by the county  
25 governing body, including:

26 1. Responding to ~~AND INVESTIGATING MISDEMEANOR~~  
27 ~~AND FELONY~~ domestic violence calls;

28 2. Acting as school resource deputies in county schools; and

29 3. Providing security for county public school sporting events  
30 and extracurricular activities that are held in the county, sponsored by a public school, and  
31 open to the public.

1 (2) (i) The duties authorized in paragraph (1)(vii) of this subsection  
 2 shall be enumerated in a memorandum of understanding entered into by the Prince  
 3 George's County Police Department and the Office of the Sheriff of Prince George's County.

4 (ii) The memorandum of understanding:

- 5 1. May be revised only by the county governing body; and
- 6 2. Is in effect from the date it is signed by both parties, but  
 7 not before October 1, 2007.

8 (i) (1) Except as provided in paragraph (2) of this subsection, neither the  
 9 Sheriff nor any deputy sheriff may conduct criminal investigations.

10 (2) The Sheriff or a deputy sheriff may conduct criminal investigations:

- 11 (i) In matters concerning the Sheriff's department;
- 12 (ii) On request of the courts;
- 13 (iii) As necessary for the administration and enforcement of casino  
 14 night permits as authorized by the county governing body; and
- 15 (iv) In investigations arising out of or incident to normally assigned  
 16 duties, including those duties authorized by the county governing body under subsection  
 17 (h)(1)(vii) of this section.

18 (3) ~~(i) [When] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF~~  
 19 ~~THIS PARAGRAPH, WHEN~~ the Sheriff or a deputy sheriff has commenced an investigation  
 20 under paragraph (2)(iv) of this subsection, the Sheriff or deputy sheriff shall:

21 ~~[(i)] 1.~~ Immediately notify the appropriate law enforcement  
 22 agency that has jurisdiction over the matter; and

23 ~~[(ii)] 2.~~ Transfer the investigation to an appropriate law  
 24 enforcement agency that has jurisdiction over the matter on request of the agency.

25 ~~(H) THE SHERIFF OR A DEPUTY SHERIFF IS NOT REQUIRED TO~~  
 26 ~~TRANSFER THE INVESTIGATION OF A MISDEMEANOR OR FELONY DOMESTIC~~  
 27 ~~VIOLENCE CALL UNDER SUBSECTION (H)(1)(VII)1 OF THIS SECTION.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 29 ~~October~~ July 1, 2023.