## **SENATE BILL 191**

D2 3lr1309 CF HB 433

By: Senator Jackson

Introduced and read first time: January 20, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 24, 2023

CHAPTER

- 1 AN ACT concerning
- 2 Prince George's County Office of the Sheriff Duties and Deputy Sheriffs
- 3 FOR the purpose of increasing the number of full-time assistant sheriffs provided to the
- 4 Sheriff of Prince George's County; providing that benefits other than salary increases
- for deputy sheriffs in Prince George's County will be negotiated by the Fraternal
- 6 Order of Police rather than the Deputy Sheriffs' Association; clarifying that the
- 7 Sheriff and deputy sheriffs of Prince George's County may investigate misdemeanor
- 8 and felony domestic violence calls and establishing that the Sheriff and deputy
- 9 sheriffs are not required to transfer the investigation to another law enforcement
- agency; and generally relating to the Prince George's County Office of the Sheriff.
- 11 BY repealing and reenacting, with amendments,
- 12 Article Courts and Judicial Proceedings
- 13 Section 2–330
- 14 Annotated Code of Maryland
- 15 (2020 Replacement Volume and 2022 Supplement)
- 16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 17 That the Laws of Maryland read as follows:
- 18 Article Courts and Judicial Proceedings
- 19 2-330.
- 20 (a) This section applies only in Prince George's County.

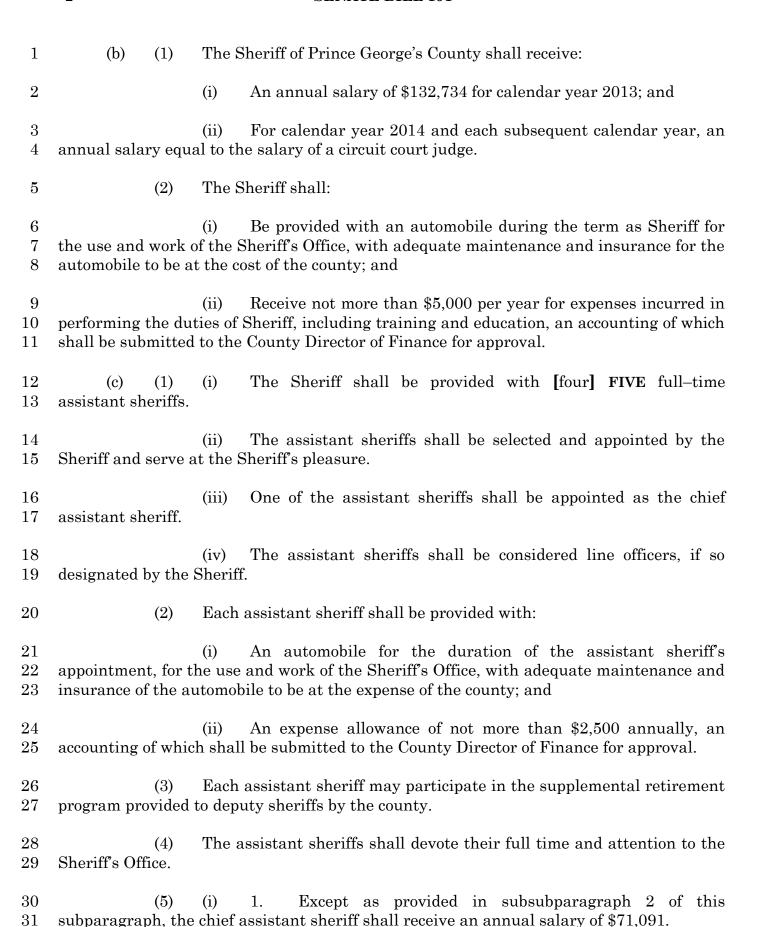
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

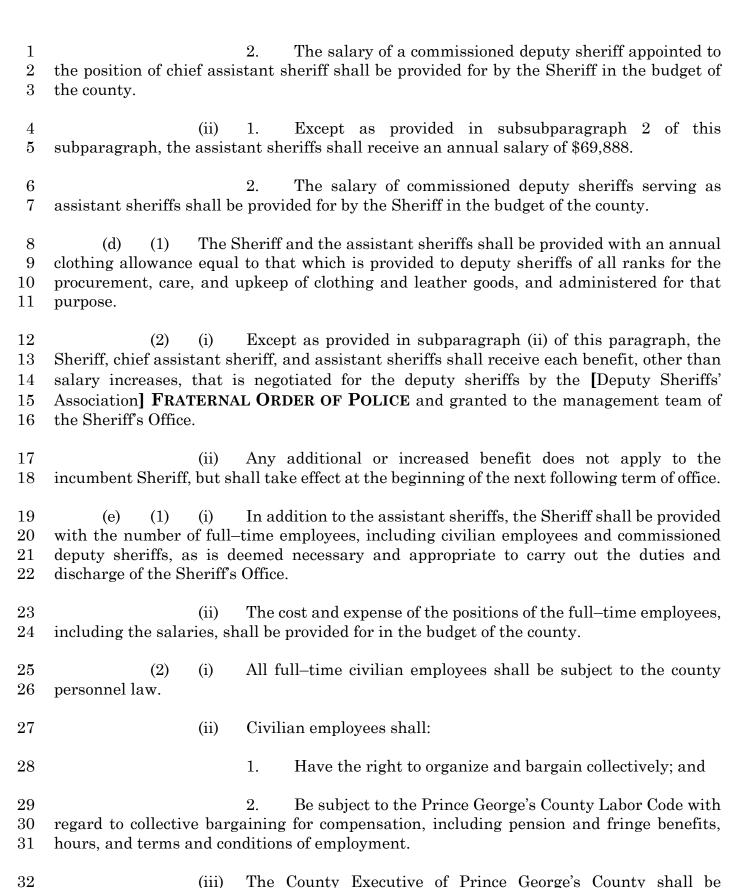
[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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







considered the employer of the civilian employees only for the purpose of collective bargaining for compensation, including pension and fringe benefits, and hours.

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- 1 (iv) 1. Subject to the provisions of subsubparagraph 2 of this 2 subparagraph, the Sheriff shall be considered the employer for purposes of collective 3 bargaining for other terms and conditions of employment.
- 2. Any required funding for a collective bargaining 5 agreement negotiated by the Sheriff shall be subject to the approval of the County 6 Executive.
- 7 (f) (1) Except for the assistant sheriffs, all full-time deputy sheriffs of all 8 ranks, provided for the Sheriff in the budget of the county, may be required by the Sheriff 9 to serve a probationary period of 12 months on commencement of any position in the 10 Sheriff's department.
- 11 (2) The probationary period may be extended by the Sheriff for reasonable 12 cause.
- 13 (3) During the probationary period, the determination of the employee's qualifications and ability to serve in the position of a permanent, nonprobationary employee shall be within the exclusive discretion of the Sheriff.
- 16 (4) All probationary commissioned deputy sheriffs shall be required to complete the minimum number of hours as mandated for other law enforcement agencies, as set by the Maryland Police Training and Standards Commission.
- 19 (g) (1) Except for the assistant sheriffs, all commissioned full—time employees, 20 including deputy sheriffs of all ranks and court security officers, that are provided for by 21 the Sheriff in the budget of the county, shall be subject to the county personnel law.
- 22 (2) All nonprobationary commissioned full-time employees, including 23 deputy sheriffs of all ranks, are subject to [the Law Enforcement Officers' Bill of Rights] 24 TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.
  - (3) (i) All commissioned full-time employees, including deputy sheriffs of all ranks and court security officers, are also subject to the Labor Code of the county with regard to collective bargaining for compensation, including pension and other fringe benefits, hours, and terms and conditions of employment.
- 29 (ii) The County Executive shall be considered the employer of the 30 deputy sheriffs and court security officers only for the purpose of collective bargaining for compensation, including pension and fringe benefits, and hours.
- 32 (iii) 1. Subject to the provisions of subsubparagraph 2 of this 33 subparagraph, the Sheriff shall be considered the employer for purposes of collective 34 bargaining for other terms and conditions of employment.

1 2 3	2. Any required funding for a collective bargaining agreement negotiated by the Sheriff shall be subject to the approval of the County Executive.
4 5	(h) (1) The Sheriff and the deputy sheriffs shall be limited in their duties as law enforcement officers, as follows:
6	(i) The full power of arrest;
7 8	(ii) The service of process of all writs, summonses, orders, petitions, subpoenas, warrants, rules to show cause, and all other legal papers;
9 10	(iii) The care and supervision of prisoners at any of the county detention centers, hospitals, penal institutions, or other places of confinement;
11 12	(iv) The security of all State and county courts and the performance of such duties as may be required of them by the courts;
13	(v) The transportation of all legally detained persons;
14 15	(vi) The administration and enforcement of casino night permits as authorized by the governing body of the county; and
16 17	(vii) As of October 1, 2007, specific duties as authorized by the county governing body, including:
18 19	1. Responding to AND INVESTIGATING MISDEMEANOR AND FELONY domestic violence calls;
20	2. Acting as school resource deputies in county schools; and
21 22 23	3. Providing security for county public school sporting events and extracurricular activities that are held in the county, sponsored by a public school, and open to the public.
24 25 26	(2) (i) The duties authorized in paragraph (1)(vii) of this subsection shall be enumerated in a memorandum of understanding entered into by the Prince George's County Police Department and the Office of the Sheriff of Prince George's County.
27	(ii) The memorandum of understanding:
28	1. May be revised only by the county governing body; and
29 30	2. Is in effect from the date it is signed by both parties, but

$\frac{1}{2}$	(i) (1) Except as provided in paragraph (2) of this subsection, neither the Sheriff nor any deputy sheriff may conduct criminal investigations.			
3	(2) The	Sheriff or a deputy sheriff may conduct criminal investigations:		
4	(i)	In matters concerning the Sheriff's department;		
5	(ii)	On request of the courts;		
6 7	(iii) night permits as author	(iii) As necessary for the administration and enforcement of casino hight permits as authorized by the county governing body; and		
8 9 10	(iv) In investigations arising out of or incident to normally assigned duties, including those duties authorized by the county governing body under subsection (h)(1)(vii) of this section.			
11 12 13	(3) (I) [When] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN the Sheriff or a deputy sheriff has commenced an investigation under paragraph (2)(iv) of this subsection, the Sheriff or deputy sheriff shall:			
14 15	[(i)] 1. Immediately notify the appropriate law enforcement agency that has jurisdiction over the matter; and			
16 17	E \ / 2	<b>2.</b> Transfer the investigation to an appropriate law t has jurisdiction over the matter on request of the agency.		
18 19 20	(II) THE SHERIFF OR A DEPUTY SHERIFF IS NOT REQUIRED TO TRANSFER THE INVESTIGATION OF A MISDEMEANOR OR FELONY DOMESTIC VIOLENCE CALL UNDER SUBSECTION (H)(1)(VII)1 OF THIS SECTION.			
21 22	SECTION 2. AN October 1, 2023.	D BE IT FURTHER ENACTED, That this Act shall take effect		
	Approved:			
		Governor.		
		President of the Senate.		
		Speaker of the House of Delegates.		