



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

**TO:** The Honorable Will Smith, Chair and  
Members of the Judicial Proceedings Committee

**FROM:** Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** February 29, 2024

**RE:** **SB 793 Maryland Tort Claims Act – Sheriffs and Deputy Sheriffs – County Responsibility**

**POSITION: SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 793. This bill is intended to provide clarity for which entity represents a sheriff or a deputy when charges are brought for duties related to county functions, such as performing a law enforcement function or managing a correctional facility.

The confusion results from the Sheriff being a constitutional officer and current statutory language that states the State is the sole employer of a sheriff and their deputies. This confusion sometimes results in cases being filed only against the State resulting in the State taking on unwarranted liability and defense costs outside of their purview.

When the Sheriff's Office is performing county functions such as those listed above, the Local Government Insurance Trust (LGIT), a statutorily enabled entity, defends the county. LGIT has the expressed authority granted by the law, but it currently does not clarify their ability to indemnify the State in these circumstances. SB 793 does three useful things for the counties whose deputies provide these services:

- identifies the State as the sole employer of sheriffs and their deputies;
- enumerates a specific list of functions triggering liability for counties;c and
- clarifies procedures for plaintiffs looking to bring cases in these instances.

These changes eliminate confusion, clarify responsibilities, and ensure liability coverage for county related functions. For these reasons, MCPA and MSA SUPPORT SB 793 and urge a FAVORABLE Committee report.