

# HOUSE BILL 559

D2

3lr1895  
CF SB 408

---

**By: Washington County Delegation**

Introduced and read first time: January 30, 2013

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2013

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County – Special Deputy Sheriffs –~~Insurance Coverage~~**

3 FOR the purpose of ~~establishing that county liability insurance shall be provided to a~~  
4 ~~special deputy sheriff in Washington County only when the special deputy~~  
5 ~~sheriff is performing certain duties~~ specifying that the duties to which the  
6 Sheriff of Washington County is required to assign special deputy sheriffs  
7 include certain duties; making the provision of county liability insurance to a  
8 special deputy sheriff discretionary, rather than mandatory; repealing a certain  
9 limitation on the provision of county liability insurance; establishing that  
10 designation as a special deputy sheriff does not authorize the special deputy  
11 sheriff to perform law enforcement duties outside the special deputy sheriff's  
12 jurisdiction except under certain circumstances; establishing that a special  
13 deputy sheriff is under the authority of the Sheriff of Washington County while  
14 the special deputy sheriff is performing certain duties; and generally relating to  
15 special deputy sheriffs in Washington County.

16 BY repealing and reenacting, with amendments,  
17 Article – Courts and Judicial Proceedings  
18 Section 2–309(w)(4)(ii)  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2012 Supplement)

21 BY adding to  
22 Article – Courts and Judicial Proceedings  
23 Section 2–309(w)(4)(iii) and (iv)

---

**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 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2012 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 2–309.

7 (w) (4) (ii) The appointment of special deputy sheriffs is subject to the  
8 following conditions:

9 1. The Sheriff shall assign the special deputy sheriff who  
10 is a member of the police force to duties in the municipality where the special deputy  
11 sheriff is a member of the police force or to duties in other areas of the county,  
12 **INCLUDING:**

13 **A. PERFORMING A VEHICLE TRAFFIC STOP**  
14 **RESULTING FROM THE SPECIAL DEPUTY SHERIFF’S OBSERVATION THAT THE**  
15 **OPERATION OF THE VEHICLE ENDANGERED HUMAN LIFE;**

16 **B. STABILIZING A TRAFFIC SITUATION THAT IS**  
17 **ENDANGERING HUMAN LIFE;**

18 **C. STABILIZING AN EMERGENCY SITUATION THAT**  
19 **INVOLVES THE POTENTIAL FOR LOSS OF HUMAN LIFE, BODILY INJURY, OR**  
20 **DAMAGE TO PROPERTY;**

21 **D. RESPONDING AS AN INITIAL RESPONDER OR AN**  
22 **EMERGENCY RESPONDER AFTER BEING DISPATCHED BY THE WASHINGTON**  
23 **COUNTY EMERGENCY COMMUNICATIONS CENTER TO A LOCATION OUTSIDE**  
24 **THE SPECIAL DEPUTY SHERIFF’S JURISDICTION BUT WHICH THE EMERGENCY**  
25 **COMMUNICATIONS CENTER BELIEVED WAS IN THE SPECIAL DEPUTY SHERIFF’S**  
26 **JURISDICTION;**

27 **E. RESPONDING TO AN EMERGENCY UNDER A**  
28 **MUTUAL AID AND ASSISTANCE AGREEMENT TO WHICH A MUNICIPALITY AND**  
29 **THE WASHINGTON COUNTY SHERIFF’S OFFICE ARE PARTIES AND WHICH IS IN**  
30 **EFFECT AT THE TIME OF THE RESPONSE OR UNDER A MUTUAL AID AGREEMENT**  
31 **UNDER § 2–105 OF THE CRIMINAL PROCEDURE ARTICLE IF THE SPECIAL**  
32 **DEPUTY SHERIFF IS IN COMPLIANCE WITH THE AGREEMENT;**

1                   **F. SERVING ON A TASK FORCE THAT IS JOINTLY**  
2 **OPERATED BY A MUNICIPAL POLICE DEPARTMENT AND THE WASHINGTON**  
3 **COUNTY SHERIFF'S OFFICE; OR**

4                   **G. SERVING ON A SPECIAL RESPONSE TEAM THAT**  
5 **HAS BEEN ACTIVATED FOR A RESPONSE OUTSIDE THE SPECIAL DEPUTY**  
6 **SHERIFF'S JURISDICTION;**

7                   2. The Sheriff may terminate the appointment of the  
8 special deputy sheriff for cause or on completion of the assignment for which the  
9 special deputy sheriff was appointed;

10                  3. The special deputy sheriff is not an employee of  
11 Washington County for the purpose of employment security or employee benefits; and

12                  4. County liability insurance ~~shall~~ **MAY** be provided to a  
13 special deputy sheriff ~~only when the special deputy sheriff is acting within the special~~  
14 ~~deputy sheriff's official duties as special deputy sheriff~~ **AND IS:**

15                   **A. PERFORMING A VEHICLE TRAFFIC STOP IN WHICH**  
16 **THE SPECIAL DEPUTY SHERIFF OBSERVED THAT THE OPERATION OF THE**  
17 **VEHICLE ENDANGERED HUMAN LIFE;**

18                   **B. STABILIZING A TRAFFIC SITUATION WHICH IS**  
19 **ENDANGERING HUMAN LIFE;**

20                   **C. STABILIZING AN EMERGENCY SITUATION THAT**  
21 **INVOLVES THE POTENTIAL FOR LOSS OF HUMAN LIFE, BODILY INJURY, OR**  
22 **DAMAGE TO PROPERTY;**

23                   **D. RESPONDING AS AN INITIAL RESPONDER OR AN**  
24 **EMERGENCY RESPONDER IN WHICH THE SPECIAL DEPUTY SHERIFF WAS**  
25 **DISPATCHED BY THE WASHINGTON COUNTY EMERGENCY COMMUNICATIONS**  
26 **CENTER TO A LOCATION OUTSIDE THE SPECIAL DEPUTY SHERIFF'S**  
27 **JURISDICTION BUT WHICH THE EMERGENCY COMMUNICATIONS CENTER**  
28 **BELIEVED WAS IN THE SPECIAL DEPUTY SHERIFF'S JURISDICTION;**

29                   **E. RESPONDING TO AN EMERGENCY UNDER A**  
30 **MUTUAL AID AND ASSISTANCE AGREEMENT TO WHICH A MUNICIPALITY AND**  
31 **THE WASHINGTON COUNTY SHERIFF'S OFFICE ARE PARTIES AND WHICH IS IN**  
32 **EFFECT AT THE TIME OF THE RESPONSE OR UNDER A MUTUAL AID AGREEMENT**  
33 **UNDER § 2-105 OF THE CRIMINAL PROCEDURE ARTICLE IF THE SPECIAL**  
34 **DEPUTY SHERIFF IS IN COMPLIANCE WITH THE AGREEMENT;**

1 ~~F. SERVING ON A TASK FORCE THAT IS JOINTLY~~  
 2 ~~OPERATED BY A MUNICIPAL POLICE DEPARTMENT AND THE WASHINGTON~~  
 3 ~~COUNTY SHERIFF'S OFFICE; OR~~

4 ~~G. SERVING ON A SPECIAL RESPONSE TEAM THAT~~  
 5 ~~HAS BEEN ACTIVATED FOR A RESPONSE OUTSIDE THE SPECIAL DEPUTY~~  
 6 ~~SHERIFF'S JURISDICTION.~~

7 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH ~~(II)4~~ (II)1 OF  
 8 THIS PARAGRAPH, DESIGNATION AS A SPECIAL DEPUTY SHERIFF DOES NOT  
 9 AUTHORIZE THE SPECIAL DEPUTY SHERIFF TO PERFORM LAW ENFORCEMENT  
 10 DUTIES OUTSIDE THE SPECIAL DEPUTY SHERIFF'S JURISDICTION.

11 (IV) A SPECIAL DEPUTY SHERIFF IS UNDER THE AUTHORITY  
 12 OF THE SHERIFF OF WASHINGTON COUNTY WHILE THE SPECIAL DEPUTY  
 13 SHERIFF IS PERFORMING DUTIES AS A SPECIAL DEPUTY SHERIFF.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 15 October 1, 2013.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.