

SENATE BILL 408

D2

3lr2061
CF HB 559

By: **Senators Shank, Edwards, and Young**
Introduced and read first time: January 28, 2013
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 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.

President of the Senate.

Speaker of the House of Delegates.