

# SENATE BILL 408

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3lr2061  
CF 3lr1895

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By: **Senators Shank, Edwards, and Young**

Introduced and read first time: January 28, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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; establishing that designation as a special  
6 deputy sheriff does not authorize the special deputy sheriff to perform law  
7 enforcement duties outside the special deputy sheriff's jurisdiction except under  
8 certain circumstances; establishing that a special deputy sheriff is under the  
9 authority of the Sheriff of Washington County while the special deputy sheriff is  
10 performing certain duties; and generally relating to special deputy sheriffs in  
11 Washington County.

12 BY repealing and reenacting, with amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 2–309(w)(4)(ii)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2012 Supplement)

17 BY adding to  
18 Article – Courts and Judicial Proceedings  
19 Section 2–309(w)(4)(iii) and (iv)  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2012 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 2–309.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 1. The Sheriff shall assign the special deputy sheriff who  
4 is a member of the police force to duties in the municipality where the special deputy  
5 sheriff is a member of the police force or to duties in other areas of the county;

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

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

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

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

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

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

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

28 **E. RESPONDING TO AN EMERGENCY UNDER A**  
29 **MUTUAL AID AND ASSISTANCE AGREEMENT TO WHICH A MUNICIPALITY AND**  
30 **THE WASHINGTON COUNTY SHERIFF'S OFFICE ARE PARTIES AND WHICH IS IN**  
31 **EFFECT AT THE TIME OF THE RESPONSE OR UNDER A MUTUAL AID AGREEMENT**  
32 **UNDER § 2-105 OF THE CRIMINAL PROCEDURE ARTICLE IF THE SPECIAL**  
33 **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 OF THIS**  
8 **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.