

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 383

(Senators Hershey and Eckardt)

Judicial Proceedings

Judiciary

**Public Safety - Appointment of Members of Fire Companies as Deputy Sheriffs -
Caroline County and Talbot County**

This bill authorizes the appointment of members of fire companies in Caroline and Talbot counties as deputy sheriffs under provisions already applicable in Allegany, Carroll, Cecil, Dorchester, Frederick, Harford, Kent, Somerset, Wicomico, and Worcester counties. The bill eliminates the inclusion of Caroline County under separate provisions authorizing the appointment of members of fire companies as deputy sheriffs applicable in Baltimore, Caroline, Cecil, Dorchester, and Queen Anne's counties.

Fiscal Summary

State Effect: None.

Local Effect: The bill is enabling in nature and has no immediate impact on Caroline or Talbot counties. Future changes in costs for workers' compensation insurance and liability insurance in either county are dependent on (1) the actual terms of deputation agreements between county sheriffs and firefighter personnel, including volunteers and (2) future claims that may be filed under either insurance coverage. Other costs could also be incurred.

Small Business Effect: None.

Analysis

Current Law: In Baltimore, Caroline, Cecil, Dorchester, and Queen Anne's counties, the sheriff of the county may appoint members of fire companies as deputy sheriffs, whether volunteer, career, incorporated, or unincorporated, to exercise the powers of deputy sheriffs

at fires and while going to and from fires. The commanding officer of fire companies in these jurisdictions may designate three members of the fire company to be appointed as deputy sheriffs.

Except in Caroline County, the sheriff of a county *must* appoint a member of the fire company as deputy sheriff on request of the designated member. In Caroline County, the sheriff *may* appoint the designated member as deputy sheriff. A request for appointment must be accompanied by a written certificate of designation signed by the commanding officer.

Except in Caroline County, if the commanding officer designates another member of the fire company to be appointed as deputy sheriff, the sheriff of the county *must* appoint that member as deputy sheriff. In Caroline County, the sheriff *may* appoint the designated member as deputy sheriff.

The powers of members appointed as deputy sheriffs do not apply and may not be exercised in a municipality that maintains an organized police force.

Under separate provisions, in Allegany, Carroll, Dorchester, Frederick, Kent, Somerset, Wicomico, and Worcester counties, the commanding officer of a fire company may designate 12 members of the fire company to be appointed as deputy sheriffs. In Cecil and Harford counties, that number is 20. The sheriff of the county may require a member of a fire company appointed as deputy sheriff to demonstrate a satisfactory level of training in those areas of law enforcement commensurate with the duties of deputy sheriff, which are limited to those necessary to perform the duties of deputy sheriffs while functioning at parades, accidents, floods, other emergencies, or public events conducted by or under the auspices of a fire company or the sheriff's department. If the sheriff requires demonstration of a satisfactory level of training, then the sheriff must provide the training, at a time and place that the sheriff considers suitable.

The powers authorized under these provisions may be exercised:

- in a municipality, subject to the discretion and control of the chief of the police force of the municipality;
- in other areas of the county; and
- on State roads, subject to the discretion and control of the Department of State Police.

A member appointed as deputy sheriff is deemed to be performing the duties of deputy sheriff when on duty and wearing a badge of authority. A member appointed as deputy sheriff may not use a weapon in the performance of duties authorized under these provisions.

In Allegany, Carroll, Frederick, and Harford counties, a member appointed as deputy sheriff may also perform traffic control for public functions held by a municipality, group, or committee on request for and approval of the services by the sheriff.

Background: Both Caroline and Talbot counties have workers' compensation coverage through Chesapeake Employers Insurance (CEI, formerly the Injured Workers Insurance Fund) and liability insurance coverage through the Local Government Insurance Trust, for county public safety employees. Volunteer fire companies secure their own liability coverages. CEI advises that workers' compensation insurance premiums only increase for either county if additional firefighters are hired. All current sheriff's deputies and firefighters are already covered under a public safety class of coverage.

Caroline County also advises that another significant cost for either county, if the bill's authority is used, would involve the purchase of additional emergency radio equipment.

Caroline County has never acted to deputize firefighters under the current statutory authorization. Caroline County advises that moving the deputation authorization to the broader provision has operational advantages. However, the bill is enabling only. In each county, the terms of expanded liability cannot be known until a program can be designed and implemented for each county.

Additional Information

Prior Introductions: None.

Cross File: HB 369 (Caroline County Delegation and Talbot County Delegation) - Judiciary.

Information Source(s): Caroline and Talbot counties, Chesapeake Employers Insurance, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510