

HOUSE BILL 720

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EMERGENCY BILL

4r1527
CF 4r1526

By: **Carroll County Delegation**

Introduced and read first time: January 26, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County – Deputy Clerk or Deputy Sheriff – Oath of Office**

3 FOR the purpose of requiring that every deputy clerk or deputy sheriff in Carroll County
4 take and sign the oath or affirmation prescribed by the Maryland Constitution; and
5 generally relating to oaths of office.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 2–104
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2023 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 2–104.

15 (a) Every auditor, clerk, sheriff, constable, commissioner, surveyor, or other
16 officer before he assumes the duties of his office, shall take and sign the oath or affirmation
17 prescribed by the Constitution.

18 (b) Except as provided in subsection (d) of this section, every deputy clerk or
19 sheriff shall take and subscribe the following oath or affirmation: “I, A.B., do swear (or
20 affirm) that I will not for lucre or malice delay any person applying to me for any business
21 belonging to the office I officiate in, and that I will not directly or indirectly ask, take, exact,
22 demand, or receive from or charge to any such person to my own use any fee or reward
23 whatsoever for any services I may do as deputy of the said office, and that in making out
24 the office fees I will not wittingly or willingly charge other or higher fees than are allowed
25 by law.”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) In addition to the oath or affirmation required under subsection (b) of
2 this section, in St. Mary's County, every deputy sheriff shall take and subscribe the
3 following oath or affirmation: "I, A.B., do solemnly swear (or affirm) that I will bear true
4 faith and allegiance to the United States of America and to the State of Maryland; that I
5 will serve honestly and faithfully to uphold and defend the Constitution of the United
6 States and the Constitution of Maryland; that I will enforce the laws of St. Mary's County,
7 and the State of Maryland; and that I will obey the orders of the Sheriff and of my superior
8 officers according to the rules and regulations of the Sheriff's Office, St. Mary's County and
9 the State of Maryland."

10 (2) In addition to the oath or affirmation required under subsection (b) of
11 this section, in Charles County, every deputy sheriff shall take and subscribe the following
12 oath or affirmation: "I, A.B., do solemnly swear (or affirm) that I will bear true faith and
13 allegiance to the United States of America and to the State of Maryland; that I will serve
14 honestly and faithfully to uphold and defend the Constitution of the United States and the
15 Constitution of Maryland; that I will enforce the laws of Charles County, and the State of
16 Maryland; and that I will obey the orders of the Sheriff and of my superior officers according
17 to the rules and regulations of the Sheriff's Office, Charles County and the State of
18 Maryland."

19 (d) In **CARROLL COUNTY**, Montgomery County, and Washington County, every
20 deputy clerk or deputy sheriff shall take and sign the oath or affirmation prescribed by
21 Article I, § 9 of the Maryland Constitution.

22 (e) (1) Except as authorized by Article I, § 10 of the Maryland Constitution,
23 every officer, except the clerk of the circuit court of a county or an appellate court, shall
24 take the oath before the clerk of the circuit court.

25 (2) Except as provided in Article I, § 10 of the Maryland Constitution, the
26 clerk of a circuit court shall take the oath before a judge of the court.

27 (3) The clerk of an appellate court shall take the oath before the Governor.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a yea and nay vote supported by three-fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.