

DELEGATE JOHNSON: Mr. Chairman, I yield four minutes to Delegate Harkness.

THE CHAIRMAN: Delegate Harkness, there is only a total of five minutes. Do you have that in mind?

DELEGATE JOHNSON: No. I thought it was ten minutes, Mr. Chairman.

THE CHAIRMAN: The Debate Schedule says five minutes.

DELEGATE JOHNSON: I am sure you are correct. I yield then two minutes to Delegate Harkness.

THE CHAIRMAN: Delegate Harkness.

DELEGATE HARKNESS: Mr. Chairman, fellow delegates, when this matter of sheriff came before the Judicial Committee, there was almost an even division. There was a proposal to establish the office of elective sheriff in the constitution. That proposal failed to receive a favorable recommendation in the Committee by a 9 to 10 vote.

We further had in the Committee numerous witnesses who appeared, and there was almost an even division, I would say, among those. Some thought the sheriff should be preserved in the constitution. Others thought it should not. So with that division, the minority felt this was a matter that should be settled once and for all on the floor of this Convention.

I simply wish to remind the delegates that the sheriff was provided for in the Constitution of 1776, has remained intact in each Constitution since that time up to the present time.

Now, there has been some talk about the sheriff's duties in the larger counties have been largely absorbed. That is true. But in sixteen or seventeen counties in this State, the sheriff remains the chief law enforcement officer. In addition, regardless of whether you put the sheriff in the constitution, the sheriff does have certain definite judicial duties. He goes out and makes judicial sale, serves writs of subpoena, et cetera. We provide in this amendment that the sheriff's judicial duties will be spelled out by rule, and he should be selected in a manner prescribed by law, and in such a manner that it enjoins constitutional dimension. Therefore, I would urge the adoption of this amendment.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, I would like to yield two or three minutes as he prefers to Delegate Fox.

THE CHAIRMAN: Delegate Fox.

DELEGATE FOX: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: I am aware that the sheriff is an active office. It was originally called the "sherrive" back in medieval times, and he helped to gather doomsday votes, but I think it is time we sealed his doom as far as the small counties are concerned, at least. This constitutional amendment goes directly contrary to the action that we have taken so far as local government is concerned.

We have said in the local government provision that we are going to allow the counties to run their own affairs, and I urge that you not saddle them with sheriffs that in many counties they do not need. I served for eight years as a state's attorney in my own county, and I am afraid many times in criminal investigations the sheriff is more in the way than he is a help.

Those counties that would like to have a sheriff and have some reason for keeping him, all well and good, but in many counties he is the jailkeeper primarily, and exercises some other functions; and I do not believe that he should be enshrined, as we have used that word, in the constitution, nor that small counties should be saddled with him when they really do not need him.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I yield two minutes to Delegate Carson.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: Mr. Chairman, I want to admit first that I am very biased and interested with regard to the sheriffs, because in Harford County, I think we have an excellent sheriff's office. That office performs many functions, and you could break them down into at least three major groupings. First, he is the chief law enforcement officer in Harford County. Secondly, he is the jail-keeper in Harford County, and performs all the functions of transporting the prisoners to the court and back, and from the jail to the various prisons and penitentiaries, and thirdly he is the process server and performs other functions with regard to the court which might be classified as judiciary-type housekeeping functions.

All the deputies in Harford County have received police training and are in my opinion, and I think in the opinion of people in our county, competent and well-trained.