

The sheriff and his deputies are interested in the people, and they do a reasonably good and excellent job in Harford County. They do also in other counties, and I understand eighteen of the counties, the sheriff is the chief officer. I suggest to you that you permit us to keep through the agency of the General Assembly our sheriff. I suggest to you the present amendment does not require a sheriff in the other counties but permits the General Assembly on a county-by-county basis to provide a sheriff where it thinks it appropriate; and if the delegates think they might vote against this measure, I suggest to you there is a tall man out there calling, Sheriff Dillon, looking for you.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: May I yield two minutes to Delegate Schneider, Chairman of our Subcommittee?

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Mr. Chairman, ladies and gentlemen: The Committee on the Judiciary studied the problems of sheriff very closely, and we came to the conclusion that since it is not a uniform office, since it is different in Prince George's from what Baltimore County has, which is different yet from what Baltimore City has, and yet different from Montgomery and altogether different from Harford County, that it is not a uniform office, and not being uniform, it should not be mandated in the constitution.

Now, the Minority Report calls for a "may" provision, a permissive provision in the constitution.

I submit the constitutional silence will be permissive. It will allow the office of sheriff if the General Assembly so feels fit to put in the constitution the word "may". To put "sheriff" in is to put in a lot of words and keep the sheriff's name before the constitution but nothing else.

We have an act in one other article on this floor in which we put the word "may". We had a good reason then, as we had other structural items put into that article. That was the section on the militia. That was important to put the militia "may", in there, unless you put nothing at all. Here if we put "may" in, we are just adding extra language.

The committee recommendation will be the transitory provision to provide that the office of sheriff continue long enough to allow the phaseout in the counties that do

not see a need for the office. The counties that do see a need for the office, as their chief law enforcement officer, will be allowed to establish the office, and counties where he is not of such importance as he perhaps is in the small counties, where we have just heard he is of great importance the office can be abolished. I would urge you go with the Committee once more and defeat this useless provision as offered.

THE CHAIRMAN: Delegate Johnson, you have two minutes to allocate.

DELEGATE JOHNSON: I yield that time, Mr. Chairman, to Delegate Grant.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: You cannot very well understand constitutional law without understanding the history behind it. The sheriff was the very first official of any importance to appear on any scene. After that, and after he was established, or established some kind of order, then you got law. It is perfectly true in the urban counties that the people have become sophisticated, become urban, they have extensive law enforcement agencies of their own. His duties in those counties, I would point out to you, are really not still very similar to what he must do in the more primitive, less settled counties where he must also go out after criminals. For the same reasons that Judge Henderon brought up as to why we had to make a clerk of the court an elective office because it was such an office to unscramble, I suggest to you you have the same problem with the sheriff. The sheriff in addition to the law enforcement duties for which he is most glamorously known also has to perform duties of judicial sales, which makes him become a member of the state judicial system. I point out to you that in the local government article all judicial powers have been withdrawn from the local governments; that if you wish the sheriff to perform these judicial functions, you have to make some provision for it. It is perfectly true that the situation does very much vary from county to county. However, I would point out to you that the amendment that is proposed permits a variation from county to county. This is one of the rare instances in which it was felt that there should be a variation from county to county in the acts of the General Assembly.

This is simply an enabling piece of legislation, to enable the General Assembly to enact a law to provide an official to perform a very minimal service, if necessary, of judicial sale, or a very maximal service