

1 discharged, suspended or reduced in rank or pay except as provided
2 in this article and in no event until the deputy has been furnished
3 with a written statement of the reasons for the action. In every
4 case of such removal, discharge, suspension or reduction, a copy of
5 the statement of reasons therefor and of the written answer
6 thereto, if the deputy desires to file such written answer, shall
7 be furnished to the Civil Service Commission and entered upon its
8 records. If the deputy demands it, the Civil Service Commission
9 shall grant a public hearing, which hearing shall be held within a
10 period of ten days from the filing of the charges in writing or the
11 written answer thereto, whichever shall last occur. At the
12 hearing, the burden shall be upon the sheriff to justify his or her
13 action, and ~~in the event~~ if the sheriff fails to justify the action
14 before the commission, then the deputy shall be reinstated with
15 full pay, forthwith and without any additional order, for the
16 entire period during which the deputy may have been prevented from
17 performing his or her usual employment, and no charges may be
18 officially recorded against the deputy's record. The deputy, if
19 reinstated or exonerated, shall, if represented by legal counsel,
20 be awarded reasonable attorney fees to be determined by the
21 commission and paid by the sheriff from county funds. A written
22 record of all testimony taken at the hearing shall be kept and
23 preserved by the Civil Service Commission, which record shall be
24 sealed and not be open to public inspection unless an appeal is

1 taken from the action of the commission.

2 (b) ~~In the event~~ If the Civil Service Commission sustains the
3 action of the sheriff, the deputy has an immediate right of appeal
4 to the circuit court of the county. ~~In the event~~ If ~~that~~ the
5 commission reinstates the deputy, the sheriff has an immediate
6 right of appeal to the circuit court. ~~In the event~~ If either the
7 sheriff or the deputy objects to the amount of the attorney fees
8 awarded to the deputy, the objecting party has an immediate right
9 of appeal to the circuit court. Any appeal must be taken within
10 ninety days from the date of entry by the Civil Service Commission
11 of its final order. Upon an appeal being taken and docketed with
12 the clerk of the circuit court of the county, the circuit court
13 shall proceed to hear the appeal upon the original record made
14 before the commission and no additional proof may be permitted to
15 be introduced. The circuit court's decision is final, but the
16 deputy or sheriff, as the case may be, against whom the decision of
17 the circuit court is rendered has the right to petition the Supreme
18 Court of Appeals for a review of the circuit court's decision as in
19 other civil cases. The deputy or sheriff also has the right, where
20 appropriate, to seek, in lieu of an appeal, a writ of mandamus.
21 The deputy, if reinstated or exonerated by the circuit court or by
22 the Supreme Court of Appeals, shall, if represented by legal
23 counsel, be awarded reasonable attorney fees as approved by the
24 court and the fees shall be paid by the sheriff from county funds.

1 (c) The removing sheriff and the deputy shall at all times,
2 both before the Civil Service Commission and upon appeal, be given
3 the right to employ counsel to represent them.

4 (d) If for reasons of economy or other reasons it is ~~deemed~~
5 determined necessary by any appointing sheriff to reduce the number
6 of his or her deputies, the sheriff shall follow the procedure set
7 forth in this subsection. The reduction in the numbers of the
8 deputy sheriffs of the county shall be effected by suspending the
9 last person or persons, including probationers, who have been
10 appointed as deputies. The removal shall be accomplished by
11 suspending the number desired in the inverse order of their
12 appointment: *Provided*, That ~~in the event~~ if the number of deputies
13 is increased in numbers to the strength existing prior to the
14 reduction of deputies, the deputies suspended under the terms of
15 this subsection shall be reinstated in the inverse order of their
16 suspension before any new appointments of deputy sheriffs in the
17 county are made.

18 (e) ~~Notwithstanding any other provision of this article to the~~
19 ~~contrary, no~~ A deputy sheriff in any county subject to the
20 ~~provisions of this article~~ may not serve as a deputy sheriff in any
21 county subject to the provisions of this article after attaining
22 the age of sixty-five years unless the sheriff of the county
23 specifically designates a particular purpose and need of the
24 sheriff's office and approves the continued employment of that

1 deputy sheriff and that this continued employment fulfills the
2 stated need and purpose in writing.

NOTE: The purpose of this bill is to authorize continued employment of deputy sheriffs beyond age sixty-five years if approved in writing by the sheriff.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.