
By: **Delegates McDonough, Boteler, and Impallaria**
Introduced and read first time: February 13, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Homeland Security Fund**

3 FOR the purpose of establishing the Homeland Security Fund as a special,
4 nonlapsing fund in the Governor's Office of Homeland Security; stating the
5 purpose of the Fund; specifying what moneys may constitute the Fund;
6 authorizing moneys to be expended from the Fund under certain conditions and
7 for certain purposes; requiring the Treasurer to hold the Fund and the
8 Comptroller to account for the Fund; requiring the Governor's Office of
9 Homeland Security to administer the Fund; requiring a court to impose a
10 certain surcharge on a person convicted of or receiving probation for a certain
11 violation; requiring the Comptroller to pay certain surcharges into the Fund in a
12 certain manner; providing for the application of this Act; and generally relating
13 to the Homeland Security Fund.

14 BY adding to
15 Article 41 - Governor - Executive and Administrative Departments
16 Section 4-501 to be under the new subtitle "Subtitle 5. Homeland Security
17 Fund"
18 Annotated Code of Maryland
19 (2003 Replacement Volume)

20 BY adding to
21 Article - Criminal Procedure
22 Section 6-220(h)
23 Annotated Code of Maryland
24 (2001 Volume and 2003 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article - Transportation
27 Section 21-902
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2003 Supplement)

1 BY adding to
2 Article - Transportation
3 Section 27-101(w)
4 Annotated Code of Maryland
5 (2002 Replacement Volume and 2003 Supplement)

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

8 **Article 41 - Governor - Executive and Administrative Departments**

9 SUBTITLE 5. HOMELAND SECURITY FUND.

10 4-501.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (2) "FUND" MEANS THE HOMELAND SECURITY FUND.

14 (3) "HOMELAND SECURITY ACTIVITIES" MEANS ACTIVITIES RELATING
15 TO THE DETECTION OF, PREPARATION FOR, PREVENTION OF, PROTECTION AGAINST,
16 RESPONSE TO, OR RECOVERY FROM MAN-MADE EMERGENCIES OR DISASTERS,
17 INCLUDING TERRORIST ATTACKS.

18 (4) "OFFICE" MEANS THE GOVERNOR'S OFFICE OF HOMELAND
19 SECURITY.

20 (B) THERE IS A HOMELAND SECURITY FUND.

21 (C) THE PURPOSE OF THE FUND IS TO SUPPORT THE HOMELAND SECURITY
22 ACTIVITIES OF THE STATE, COUNTIES, BALTIMORE CITY, MUNICIPAL CORPORATIONS,
23 AND INTERGOVERNMENTAL ENTITIES.

24 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
25 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (2) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER
27 SHALL ACCOUNT FOR THE FUND.

28 (3) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND
29 REINVESTED.

30 (4) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

31 (E) THE FUND CONSISTS OF:

32 (1) SURCHARGES COLLECTED IN ACCORDANCE WITH § 6-220(H) OF THE
33 CRIMINAL PROCEDURE ARTICLE AND § 27-101(W) OF THE TRANSPORTATION ARTICLE;

1 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

2 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
3 BENEFIT OF THE FUND.

4 (F) THE OFFICE SHALL ADMINISTER THE FUND.

5 (G) MONEY IN THE FUND SHALL BE EXPENDED BY THE OFFICE FOR THE
6 FOLLOWING PURPOSES:

7 (1) TO PAY THE COST OF THE OFFICE TO CARRY OUT THE PURPOSES OF
8 THIS SUBTITLE; AND

9 (2) TO AWARD GRANTS TO SUPPORT THE HOMELAND SECURITY
10 ACTIVITIES OF STATE GOVERNMENT, LOCAL GOVERNMENTS, AND
11 INTERGOVERNMENTAL ENTITIES, INCLUDING ACTIVITIES RELATING TO:

12 (I) ASSESSING THE HOMELAND SECURITY NEEDS OF THE STATE
13 AND LOCAL GOVERNMENTS;

14 (II) DIRECTING AND COORDINATING HOMELAND SECURITY
15 ACTIVITIES;

16 (III) CONDUCTING EXERCISES, TESTING, AND TRAINING IN
17 RESPONDING TO THREATS TO HOMELAND SECURITY, INCLUDING TRAINING IN
18 BIOTERRORISM RESPONSE AND HAZARDOUS MATERIAL HANDLING;

19 (IV) PUBLIC HEALTH AND SAFETY;

20 (V) EMERGENCY FIRE AND RESCUE SERVICES;

21 (VI) ENHANCING SECURITY AT PUBLIC BUILDINGS AND FACILITIES;

22 (VII) ENSURING COMMUNICATION SYSTEM INTEROPERABILITY; AND

23 (VIII) PUBLIC EDUCATION.

24 (H) EXPENDITURES FROM THE FUND MAY ONLY BE MADE:

25 (1) IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE
26 GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET; OR

27 (2) BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209
28 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, PROVIDED THAT:

29 (I) THE BUDGET AMENDMENT AND SUPPORTING INFORMATION
30 HAVE BEEN SUBMITTED TO THE BUDGET COMMITTEES FOR THEIR REVIEW AND
31 COMMENT; AND

1 (II) AT LEAST 45 DAYS HAVE ELAPSED FROM THE SUBMISSION OF
2 THE BUDGET AMENDMENT AND SUPPORTING INFORMATION REQUIRED BY ITEM (I)
3 OF THIS PARAGRAPH.

4

Article - Criminal Procedure

5 6-220.

6 (H) (1) WHEN THE CRIME FOR WHICH THE JUDGMENT IS BEING STAYED IS A
7 VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE, THE COURT SHALL
8 REQUIRE THE DEFENDANT TO PAY A \$250 SURCHARGE IN ADDITION TO ANY OTHER
9 FINE OR MONETARY PENALTY IMPOSED AS A CONDITION OF PROBATION.

10 (2) THE COMPTROLLER SHALL PAY THE SURCHARGES COLLECTED
11 UNDER THIS SUBSECTION INTO THE HOMELAND SECURITY FUND ESTABLISHED
12 UNDER ARTICLE 41, § 4-501 OF THE CODE.

13

Article - Transportation

14 21-902.

15 (a) (1) A person may not drive or attempt to drive any vehicle while under
16 the influence of alcohol.

17 (2) A person may not drive or attempt to drive any vehicle while the
18 person is under the influence of alcohol per se.

19 (b) A person may not drive or attempt to drive any vehicle while impaired by
20 alcohol.

21 (c) (1) A person may not drive or attempt to drive any vehicle while he is so
22 far impaired by any drug, any combination of drugs, or a combination of one or more
23 drugs and alcohol that he cannot drive a vehicle safely.

24 (2) It is not a defense to any charge of violating this subsection that the
25 person charged is or was entitled under the laws of this State to use the drug,
26 combination of drugs, or combination of one or more drugs and alcohol, unless the
27 person was unaware that the drug or combination would make the person incapable
28 of safely driving a vehicle.

29 (d) A person may not drive or attempt to drive any vehicle while the person is
30 impaired by any controlled dangerous substance, as that term is defined in § 5-101 of
31 the Criminal Law Article, if the person is not entitled to use the controlled dangerous
32 substance under the laws of this State.

33 (e) For purposes of the application of subsequent offender penalties under §
34 27-101 of this article, a conviction for a crime committed in another state or federal
35 jurisdiction that, if committed in this State, would constitute a violation of subsection
36 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
37 (c), or (d) of this section.

1 27-101.

2 (W) (1) IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS
3 SECTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE, ANY PERSON CONVICTED
4 OF A VIOLATION OF § 21-902 OF THIS ARTICLE SHALL BE REQUIRED BY THE COURT
5 TO PAY A \$250 SURCHARGE.

6 (2) THE COMPTROLLER SHALL PAY THE SURCHARGES COLLECTED
7 UNDER THIS SUBSECTION INTO THE HOMELAND SECURITY FUND ESTABLISHED
8 UNDER ARTICLE 41, § 4-501 OF THE CODE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed to apply only prospectively and may not be applied or interpreted to have
11 any effect on or application to any violation committed before the effective date of this
12 Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2004.