

CHAPTER 515

(House Bill 707)

AN ACT concerning

Department of State Police – State Aid for Police Protection Fund – Transfer to Governor’s Office of Crime Control and Prevention

FOR the purpose of transferring the administration of the State Aid for Police Protection Fund from the Department of State Police to the Governor’s Office of Crime Control and Prevention; transferring the functions of the Secretary of State Police relating to the State Aid for Police Protection Fund to the Executive Director of the Governor’s Office of Crime Control and Prevention; defining certain terms; stating the intent of the General Assembly that the Governor’s Office of Crime Control and Prevention administer the Fund with existing resources; altering certain definitions; and generally relating to the transfer of the State Aid for Police Protection Fund to the Governor’s Office of Crime Control and Prevention.

BY repealing and reenacting, with amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 4–403(a) and (b)(8), 4–405, and 4–406
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Article 41 – Governor – Executive and Administrative Departments

4–403.

(a) As used in this subtitle:

(1) “Subdivision” means any county of Maryland but does not include Baltimore City; or where the context requires, the governing body thereof.

(2) “Municipality” means any incorporated city or town, except Baltimore City, within Maryland; or where the context requires, the governing body thereof.

(3) “Expenditures for police protection” shall be those for the fiscal year immediately preceding the fiscal year for which the calculation of State aid is to be made. Thus, State aid for the first year of this grant (1968–1969) shall be based on

“expenditures for police protection” in the fiscal year ending June 30, 1968; State aid for the second year of this grant (1969–1970) shall be based on expenditures in the fiscal year ending June 30, 1969, and so forth. “Expenditures for police protection” means salaries and wages, other operating expenses, capital outlays from current operating funds, and properly identifiable debt service, paid for police protection. Expenditures for sheriffs and constables are included only to the extent that such officers perform police protection functions. Expenditures for traffic control, park police, and a share of the cost of a central alarm system proportionate to its police use, are included. No part of expenditures for collecting from or servicing parking meters, nor of constructing or operating jails, is included.

(4) “Adjusted assessed valuation of real property” means 100% of the assessed valuation of the operating real property of public utilities, plus 40% of the assessed valuation of all other real property for State purposes, as reported by the State Department of Assessments and Taxation as of July 1 of the second fiscal year preceding the fiscal year for which the calculation of State aid is to be made, plus 20% of new property assessed between July 1 and December 31 of the second preceding fiscal year. “Real property” means all property classified as real property under § 8–101(b) of the Tax – Property Article.

(5) “Net taxable income” shall be the taxable income of individuals under Title 10 of the Tax – General Article, as certified by the Comptroller of the Treasury for the third completed calendar year preceding the fiscal year for which the calculation of State aid is to be made. Thus, State aid for the first year of this grant shall be based on taxable income in calendar year 1965, and State aid in succeeding years on taxable income in corresponding succeeding calendar years.

(6) Population figures for total number of people in a subdivision, i.e. figures used in per capita and density determinations, shall be those estimated by the State Department of Health and Mental Hygiene, as of July 1 of each year. Percentage of population residing in municipalities shall be determined from time to time by the most recently published federal decennial census data.

(7) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

~~[(7)]~~ **(8)** “Qualifying municipality” means a municipality:

(i) 1. Whose “expenditures for police protection”, as defined above, exceed \$5,000; and

2. That employs at least one qualified full-time police officer, as determined by the [Secretary of State Police] **EXECUTIVE DIRECTOR**; or

(ii) 1. Whose “expenditures for police protection”, as defined above, exceed \$80,000; and

2. That employs at least two qualified part-time police officers, as determined by the [Secretary of State Police] **EXECUTIVE DIRECTOR**, from a county police department or county sheriff's department.

[(8)] **(9)** "Wealth base" of a subdivision means the sum of the "adjusted assessed valuation of real property" and "net taxable income".

[(9)] **(10)** "Aggregate expenditures for police protection" for a subdivision means the sum of "expenditures for police protection", as defined above, of that subdivision and of every qualifying municipality in that subdivision.

[(10)] **(11)** "Equivalent of X dollars per capita" means an amount of money equal to the product of X times the number of people in the particular subdivision.

(12) "Sworn officer" means:

(i) A law enforcement officer certified by the Police Training Commission; or

(ii) A full-time probationary employee of a local government who:

1. Is hired to attend a police training academy to become a certified law enforcement officer; and

2. Is in training or is functioning as a law enforcement officer pending training.

(b) Subject to subsection (d) of this section, for the fiscal year beginning July 1, 2004, and thereafter, the State shall pay to each subdivision, and to each qualifying municipality, each year in the manner and subject to the limitations and requirements hereinafter provided, an amount determined as follows:

(8) **Municipal Sworn Officer Allocation.** For fiscal year 2009 and each fiscal year thereafter, the State shall pay to each qualifying municipality, in addition to the payments made under paragraphs (1) through (7) of this subsection an amount equal to \$1,950 for each sworn police officer actually employed on a full-time basis by the qualifying municipality, as determined by the [Secretary of State Police] **EXECUTIVE DIRECTOR**.

4-405.

(a) If the [Secretary of State Police] **EXECUTIVE DIRECTOR** finds that a county is not complying with the maintenance of effort provisions of § 4-402 of this

subtitle, the [Secretary of State Police] **EXECUTIVE DIRECTOR** shall notify the subdivision or qualifying municipality of such noncompliance.

(b) If a subdivision or qualifying municipality disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the Secretary of the Department of Budget and Management, who shall make a final determination.

(c) Upon receipt of certification of noncompliance by the [Secretary of State Police] **EXECUTIVE DIRECTOR** or the Secretary of the Department of Budget and Management, as the case may be, the Comptroller shall suspend, until notification of compliance is received, payment of any funds due the subdivision or qualifying municipality for the current fiscal year, as provided in § 4-403 of this subtitle, to the extent that the State's aid due the subdivision or qualifying municipality in the current fiscal year under that section exceeds the amount which the subdivision or qualifying municipality received in the prior fiscal year.

4-406.

(a) The [Secretary of State Police] **EXECUTIVE DIRECTOR** shall administer the State Aid for Police Protection Fund.

(b) The [Secretary of State Police] **EXECUTIVE DIRECTOR** shall:

(1) Certify to the Comptroller and to the subdivisions and qualifying municipalities the amount of payments to the subdivisions and qualifying municipalities; and

(2) Make such regulations and require such reports as are necessary to certify the amounts.

(c) In administering the Fund, the [Secretary of State Police] **EXECUTIVE DIRECTOR** shall:

(1) Make a continuing effort to establish standards of police protection adequate to the various local situations; and

(2) Subject to § 2-1246 of the State Government Article, report periodically to the General Assembly on progress in establishing and meeting those standards, including the payment amounts certified under subsection (b) of this section and any other relevant fiscal information.

(d) In determining qualification under § 4-403(a)(7) of this subtitle, the minimum standards determined by the Police Training Commission under authority of Title 3, Subtitle 2 of the Public Safety Article shall be applied.

(e) The Police Training Commission shall print and distribute to all municipalities its rules and regulations setting forth the minimum standards of police qualifications.

(f) (1) In the event a municipality fails to meet the minimum standards for two successive years, the [Secretary of State Police] **EXECUTIVE DIRECTOR** shall withhold payments to the municipality with respect to the second year.

(2) Any payment withheld for noncompliance is forfeited, and a claim may not be made by the municipality for the funds.

SECTION 2. AND BE IT FURTHER ENACTED, That on July 1, 2008, all the functions, powers, duties, assets, and liabilities of the State Aid for Police Protection Fund within the Department of State Police shall be transferred to the Governor's Office of Crime Control and Prevention.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor's Office of Crime Control and Prevention administer the State Aid for Police Protection Fund with existing resources.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.