

# HOUSE BILL 186

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By: **Delegate McDermott**

Introduced and read first time: January 21, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Fees for Traffic and Criminal Convictions**  
3 **– Law Enforcement Training and Technology Fund**

4 FOR the purpose of establishing the Law Enforcement Training and Technology Fund;  
5 adding a certain additional fee to the costs of traffic and criminal case  
6 convictions; requiring the Comptroller to distribute certain fees collected into  
7 the Fund; establishing the purpose, administration, status, and composition of  
8 the Fund; requiring the Treasurer to invest the money in the Fund in a certain  
9 manner; requiring the Executive Director of the Governor’s Office of Crime  
10 Control and Prevention to distribute money from the Fund to local law  
11 enforcement agencies annually in a certain manner; requiring each local law  
12 enforcement agency to provide proof of certain expenditures to the Executive  
13 Director; requiring the Executive Director to make a certain annual report;  
14 defining certain terms; and generally relating to the Law Enforcement Training  
15 and Technology Fund.

16 BY repealing and reenacting, with amendments,  
17 Article – Courts and Judicial Proceedings  
18 Section 7–301 and 7–409  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2012 Supplement)

21 BY adding to  
22 Article – Public Safety  
23 Section 4–401 through 4–404 to be under the new subtitle “Subtitle 4. Law  
24 Enforcement Training and Technology Fund”  
25 Annotated Code of Maryland  
26 (2011 Replacement Volume and 2012 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1                   1.     \$8 per summary ejectment case; and

2                   2.     \$18 per case for all other civil cases; and

3                   (ii)    Shall be deposited into the Maryland Legal Services  
4 Corporation Fund established under § 11-402 of the Human Services Article.

5                   (3)    The Court of Appeals may provide by rule for waiver of  
6 prepayment of filing fees and other costs in cases of indigency.

7                   (d)    When a person pays court costs or a fine with a check in any motor  
8 vehicle, criminal, or civil case in the District Court, and the check is returned to the  
9 court by the financial institution on which it is drawn because of insufficient funds in  
10 the account, or because the account has been closed or never existed, then the court  
11 may impose additional costs of \$10 against the party issuing the check. These costs  
12 shall be in addition to any other penalty now prescribed by law.

13                  (e)    The Comptroller shall annually pay from the court costs collected by the  
14 District Court under subsections (a) and (b)(1) of this section:

15                   (1)    \$500,000 into the Criminal Injuries Compensation Fund  
16 established under § 11-819 of the Criminal Procedure Article; and

17                   (2)    \$125,000 into the Victim and Witness Protection and Relocation  
18 Fund established under § 11-905 of the Criminal Procedure Article.

19                  (f)    (1)    This subsection does not apply to a traffic case under § 21-202.1, §  
20 21-809, or § 21-810 of the Transportation Article or to a parking or impounding case.

21                   (2)    In a traffic case under subsection (a)(1) of this section the court  
22 shall add a \$7.50 surcharge to the court costs imposed by the court.

23                   (3)    (i)    The Comptroller annually shall credit the surcharges  
24 collected under this subsection as provided in this paragraph.

25                   (ii)   An amount annually as set forth in the State budget shall be  
26 distributed for the Charles W. Riley Fire and Emergency Medical Services Tuition  
27 Reimbursement Program as established in § 18-603 of the Education Article.

28                   (iii)  After the distribution under subparagraph (ii) of this  
29 paragraph, \$200,000 shall be distributed to the Maryland State Firemen's Association.

30                   (iv)  After the distribution under subparagraphs (ii) and (iii) of  
31 this paragraph and until a total of \$20,000,000 has been distributed to the Volunteer  
32 Company Assistance Fund since the establishment of the surcharge under this  
33 subsection, the remainder shall be credited to the Volunteer Company Assistance

1 Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public  
2 Safety Article.

3 (v) After a total of \$20,000,000 has been distributed to the  
4 Volunteer Company Assistance Fund, 100% of the remainder shall be credited to the  
5 Maryland Emergency Medical Systems Operation Fund established under § 13–955 of  
6 the Transportation Article.

7 (vi) On or before September 1 of each year until \$20,000,000 has  
8 been distributed to the Volunteer Company Assistance Fund, the State Court  
9 Administrator shall submit a report to the Senate Budget and Taxation Committee  
10 and the House Appropriations Committee, in accordance with § 2–1246 of the State  
11 Government Article, on the amount of revenue distributed to the Volunteer Company  
12 Assistance Fund under this paragraph.

13 **(G) (1) THIS SUBSECTION DOES NOT APPLY TO A TRAFFIC CASE**  
14 **UNDER § 21–202.1, § 21–809, OR § 21–810 OF THE TRANSPORTATION ARTICLE**  
15 **OR TO A PARKING OR IMPOUNDING CASE.**

16 **(2) IN A TRAFFIC CASE UNDER SUBSECTION (A)(1) OF THIS**  
17 **SECTION THE COURT SHALL ADD A \$5 SURCHARGE TO THE COURT COSTS**  
18 **IMPOSED BY THE COURT.**

19 **(3) THE COMPTROLLER ANNUALLY SHALL CREDIT THE**  
20 **SURCHARGES COLLECTED UNDER THIS SUBSECTION TO THE LAW**  
21 **ENFORCEMENT TRAINING AND TECHNOLOGY FUND ESTABLISHED UNDER §**  
22 **4–402 OF THE PUBLIC SAFETY ARTICLE.**

23 7–409.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) “Crime” means an act committed by a person in the State that is:

26 (i) A crime under Title 1, Subtitle 3, Title 3, Subtitle 7, or §  
27 4–123.1 of the Agriculture Article;

28 (ii) A crime under Title 19, Subtitle 2 or Subtitle 3 of the  
29 Business Regulation Article;

30 (iii) A crime under Title 14, Subtitle 29, § 11–810, or § 14–1317  
31 of the Commercial Law Article;

32 (iv) A crime under § 3–218, § 3–305(c)(2), § 3–409(a) or (c), §  
33 3–803(b), § 3–807(i), § 3–808(d), § 3–811(c), § 8–801, § 8–802, § 9–602(e), §  
34 11–702(d)(8), § 11–703(e)(5)(iii), § 11–708(d)(7)(ii), § 11–711(h)(2), § 11–712(c)(6)(ii), §

1 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services  
2 Article;

3 (v) A crime under the Criminal Law Article other than Title 8,  
4 Subtitle 2, Part II or § 10-614;

5 (vi) A crime under the Criminal Procedure Article;

6 (vii) A crime under Title 5, Subtitle 10A of the Environment  
7 Article;

8 (viii) A crime under § 5-503 of the Family Law Article;

9 (ix) A crime under Title 12, Subtitle 9 of the Financial  
10 Institutions Article;

11 (x) A crime under Title 20, Subtitle 7 or § 21-259.1 of the  
12 Health – General Article;

13 (xi) A crime under § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, §  
14 8-726.1, § 8-738.1, § 8-740.1, or § 10-411(b), as it relates to Harford County, or (d), as  
15 it relates to Anne Arundel County or Caroline County, of the Natural Resources  
16 Article;

17 (xii) A crime under Title 3, Subtitle 1 or Subtitle 5, Title 5,  
18 Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or § 12-701 of the  
19 Public Safety Article;

20 (xiii) A crime under § 14-127 of the Real Property Article;

21 (xiv) A violation of the Transportation Article that is punishable  
22 by imprisonment;

23 (xv) A crime under Article 2B, Title 22 or § 18-104 of the Code;

24 (xvi) A crime under Article 24, § 11-512, § 11-513, or § 11-514 of  
25 the Code;

26 (xvii) A crime under Chapter 110-1 of the Code of Public Local  
27 Laws of Caroline County;

28 (xviii) A crime under § 4-103 of the Code of Public Local Laws of  
29 Carroll County;

30 (xix) A crime under § 8A-1 of the Code of Public Local Laws of  
31 Talbot County; or

1 (xx) A crime at common law.

2 (3) "Offense" means a violation of the Transportation Article that is  
3 not punishable by imprisonment.

4 (b) In addition to any other costs required by law, a circuit court shall impose  
5 on a defendant convicted of a crime an additional cost of \$45 in the case.

6 (c) In addition to any other costs required by law, the District Court shall  
7 impose on a defendant convicted of a crime an additional cost of \$35 in the case.

8 (d) In addition to any other costs required by law, a court shall impose on a  
9 defendant convicted of an offense an additional cost of [~~\$3~~] **\$8** in the case, including  
10 cases in which the defendant elects to waive the right to trial and pay the fine or  
11 penalty deposit established by the Chief Judge of the District Court by administrative  
12 regulation.

13 (e) (1) All money collected under this section shall be paid to the  
14 Comptroller of the State.

15 (2) The Comptroller shall deposit \$22.50 from each fee collected under  
16 subsection (b) of this section from a circuit court and \$12.50 from each fee collected  
17 under subsection (c) of this section from the District Court into the State Victims of  
18 Crime Fund established under § 11–916 of the Criminal Procedure Article.

19 (3) The Comptroller shall deposit \$2.50 from each fee collected under  
20 subsections (b) and (c) of this section into the Victim and Witness Protection and  
21 Relocation Fund established under § 11–905 of the Criminal Procedure Article.

22 (4) The Comptroller shall deposit all other moneys collected under  
23 subsections (b) and (c) of this section into the Criminal Injuries Compensation Fund  
24 established under § 11–819 of the Criminal Procedure Article.

25 (f) (1) **THE COMPTROLLER SHALL DEPOSIT \$5 FROM EACH FEE**  
26 **COLLECTED UNDER SUBSECTION (D) OF THIS SECTION INTO THE LAW**  
27 **ENFORCEMENT TRAINING AND TECHNOLOGY FUND ESTABLISHED UNDER §**  
28 **4–402 OF THE PUBLIC SAFETY ARTICLE.**

29 (2) **THE COMPTROLLER SHALL DEPOSIT ALL OTHER MONEY**  
30 **COLLECTED UNDER SUBSECTION (D) OF THIS SECTION IN THE FOLLOWING**  
31 **MANNER.**

32 (i) From the first \$500,000 [in fees] collected [under subsection  
33 (d) of this section] in each fiscal year, the Comptroller shall deposit one-half of each  
34 fee into the State Victims of Crime Fund and one-half of each fee into the Criminal  
35 Injuries Compensation Fund.



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

3           **(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND**  
4 **THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH**  
5 **THE EXECUTIVE DIRECTOR.**

6           **(E) THE FUND CONSISTS OF:**

7           **(1) MONEY COLLECTED UNDER §§ 7-301(G) AND 7-409(F)(1) OF**  
8 **THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE; AND**

9           **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND.**

10          **(F) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE**  
11 **SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

12 **4-403.**

13          **(A) THE EXECUTIVE DIRECTOR SHALL DISTRIBUTE MONEY FROM THE**  
14 **FUND TO LOCAL LAW ENFORCEMENT AGENCIES ANNUALLY ON A PER CAPITA**  
15 **BASIS BASED ON THE NUMBER OF FULL-TIME SWORN LAW ENFORCEMENT**  
16 **PERSONNEL.**

17          **(B) EACH LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE**  
18 **EXECUTIVE DIRECTOR PROOF OF EXPENDITURES MADE USING MONEY**  
19 **DISTRIBUTED TO THE LOCAL LAW ENFORCEMENT AGENCY UNDER SUBSECTION**  
20 **(A) OF THIS SECTION.**

21 **4-404.**

22          **ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR**  
23 **SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE**  
24 **GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE DISTRIBUTION**  
25 **OF MONEY UNDER THIS SUBTITLE.**

26          **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
27 **October 1, 2013.**