E4, J1 3lr1838

By: Delegates Cardin, Bobo, Frick, A. Kelly, Niemann, Stukes, V. Turner, and Vaughn

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

## A BILL ENTITLED

1 AN ACT concerning

2

## Public Safety - Regulated Firearms - Firearm and Permit Surcharge

3 FOR the purpose of requiring a certain surcharge to be imposed on certain regulated 4 firearm purchases and certain handgun permit applications; requiring all 5 money received from the surcharge to go into a certain fund; requiring the 6 Department of State Police in collaboration with the Department of Health and 7 Mental Hygiene to adopt certain regulations; establishing the Mental Health 8 Services Fund as a special, nonlapsing fund; specifying the purpose of the Fund; 9 requiring the Secretary of Health and Mental Hygiene to administer the Fund; 10 specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from 11 12 the Fund; requiring the Secretary of Health and Mental Hygiene to prepare a report to be submitted to the General Assembly and the Department of 13 Legislative Services on the Fund; providing that any unspent portion of the 14 15 Fund may not be transferred to the General Fund; defining a certain term; and 16 generally relating to a surcharge on firearms and permits.

- 17 BY adding to
- 18 Article Public Safety
- 19 Section 5–142.1 and 5–309.1
- 20 Annotated Code of Maryland
- 21 (2011 Replacement Volume and 2012 Supplement)
- 22 BY adding to
- 23 Article Health General
- 24 Section 10–906
- 25 Annotated Code of Maryland
- 26 (2009 Replacement Volume and 2012 Supplement)
- 27 BY repealing and reenacting, with amendments,



1 2 3 4	Article – State Finance and Procurement Section 6–226(a)(2)(ii)69. and 70. Annotated Code of Maryland (2009 Replacement Volume and 2012 Supplement)
5 6 7 8 9	BY adding to Article – State Finance and Procurement Section 6–226(a)(2)(ii)71. Annotated Code of Maryland (2009 Replacement Volume and 2012 Supplement)
10 11	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
12	Article - Public Safety
13	5–142.1.
14 15 16	(A) IN ADDITION TO THE APPLICATION FEE REQUIRED UNDER § 5–118 OF THIS SUBTITLE, A SURCHARGE OF \$10 SHALL BE IMPOSED ON EVERY RETAIL PURCHASE OF A REGULATED FIREARM.
17 18 19	(B) ALL MONEY RECEIVED FROM THE SURCHARGE SHALL BE DEPOSITED INTO THE MENTAL HEALTH SERVICES FUND UNDER § 10–906 OF THE HEALTH – GENERAL ARTICLE.
20 21 22	(C) THE SECRETARY, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SECTION.
23	5-309.1.
24 25	(A) IN ADDITION TO THE APPLICATION FEES REQUIRED BY § 5–304 OF THIS SUBTITLE, A SURCHARGE OF \$25 SHALL BE IMPOSED ON EVERY:
26	(1) INITIAL PERMIT; AND
27	(2) RENEWAL OR SUBSEQUENT PERMIT.
28 29 30	(B) ALL MONEY RECEIVED FROM THE SURCHARGE SHALL BE DEPOSITED IN THE MENTAL HEALTH SERVICES FUND UNDER § 10–906 OF THE HEALTH – GENERAL ARTICLE.

- 1 (C) THE SECRETARY, IN COLLABORATION WITH THE DEPARTMENT OF 2 HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS NECESSARY TO 3 CARRY OUT THIS SECTION.
- 4 Article Health General
- 5 **10–906**.
- 6 (A) IN THIS SECTION, "FUND" MEANS THE MENTAL HEALTH SERVICES 7 FUND.
- 8 (B) THERE IS A MENTAL HEALTH SERVICES FUND.
- 9 (C) THE PURPOSE OF THE FUND IS TO FUND LOCAL AND STATEWIDE 10 MENTAL HEALTH SERVICES PROGRAMS.
- 11 (D) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT 12 TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
- 13 **(E)** THE FUND CONSISTS OF:
- 14 (1) Money credited to the Fund under §§ 5–142.1 and 5–309.1 of the Public Safety Article;
- 16 (2) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE 17 BENEFIT OF THE FUND; AND
- 18 (3) INVESTMENT EARNINGS OF THE FUND.
- 19 (F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE 20 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.
- 21 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID 22 INTO THE FUND.
- 23 (G) MONEY IN THE FUND SHALL BE SPENT IN ACCORDANCE WITH A
  24 PLAN DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH THE
  25 DEPARTMENT OF STATE POLICE, MENTAL HEALTH PROVIDERS, AND MENTAL
  26 HEALTH ADVOCATES.
- 27 (H) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE SECRETARY SHALL 28 PREPARE A REPORT TO BE SUBMITTED TO THE GENERAL ASSEMBLY, IN 29 ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AND THE
- 30 DEPARTMENT OF LEGISLATIVE SERVICES ON THE FUND.

1	(I) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
<b>2</b>	OR REVERT TO THE GENERAL FUND OF THE STATE BUT SHALL REMAIN IN THE
3	FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.
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4	(J) MONEY EXPENDED FROM THE FUND FOR MENTAL HEALTH
5	SERVICES IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF
6	FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR FUNDING MENTAL
7	HEALTH SERVICES.
8	Article – State Finance and Procurement
O	Article - State Finance and Frocurement
9	6–226.
10 11	(a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:
12	69. the Maryland Legal Services Corporation Fund; [and]
13	70. Mortgage Loan Servicing Practices Settlement Fund;
14	AND
15	71. MENTAL HEALTH SERVICES FUND.
16 17	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11	October 1, 2013.