

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 83

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Office of Crime Control and Prevention)

Judicial Proceedings

Appropriations

Public Safety - School Safety Enforcement Fund

This departmental bill renames the School Bus Safety Enforcement Fund to be the School Safety Enforcement Fund. The bill expands the allowable uses of the fund to include enhancements to school safety in addition to the current purpose of addressing the problem of drivers illegally failing to stop for school vehicles; it likewise expands eligibility to receive grants from the fund to local boards of education. However, the bill prohibits a law enforcement agency or local board of education from using a grant from the fund for installing or maintaining a speed monitoring system in or around a school zone. Finally, the bill requires the Executive Director of the Governor's Office of Crime Control and Prevention (GOCCP) to consider the geographic distribution of grant recipients before making a grant from the fund and repeals the existing limit on the initial grant amount that may be awarded such that the Executive Director may award more than \$35,000 in a fiscal year for use in a single county.

Fiscal Summary

State Effect: GOCCP can implement the bill's changes with existing resources. While the bill expands the allowable uses of the fund, it does not change the overall allocation to the special fund, which remains at \$600,000. However, given the expanded purpose of the fund, the Department of State Police (DSP) may receive slightly less funding than it otherwise would if more funds are directed to local government entities.

Local Effect: Minimal revenue and expenditure increase for counties that become eligible for more monies from the fund; other jurisdictions may receive less funding, however, as the total amount available for awards does not change.

Small Business Effect: GOCCP has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: The School Bus Safety Enforcement Fund is a special, nonlapsing fund that assists law enforcement agencies in addressing the problem of drivers illegally failing to stop for school vehicles. The fund was established in fiscal 2001 and since fiscal 2009 has been administered by GOCCP. By statute, the fund consists of a portion of penalties assessed on uninsured motorists, investment earnings, and any other money deposited to the fund.

The Executive Director is authorized to make grants to law enforcement agencies (DSP, police departments of counties or municipalities, and sheriff's offices) from the fund and is required to establish procedures for law enforcement agencies to apply for grants and for the evaluation of progress in addressing the problem of drivers illegally failing to stop for school vehicles. When making grants, the Executive Director must consider (1) the extent of the problem of drivers illegally failing to stop for school vehicles in the area identified by the law enforcement agency applying for a grant; (2) the goals and plans of that law enforcement agency with respect to enhanced enforcement efforts related to such drivers; and (3) other appropriate and relevant factors.

Generally, the Executive Director may not make a grant from the fund of more than \$35,000 in a fiscal year for use in a single county; however, if money remains available after initial awards in a fiscal year, the Executive Director may make supplemental grants to law enforcement agencies in accordance with established procedures.

A law enforcement agency that receives a grant can only use it for enforcement efforts to address the problem of drivers illegally failing to stop for school vehicles and must comply with reporting requirements that help evaluate the enforcement efforts of not only that law enforcement agency under the grant but also statewide enforcement efforts relating to school bus safety enforcement.

On or before September 1 of each year, the Executive Director has to report to the Governor and the General Assembly on:

- the status of the fund;
- the grants made under the fund;
- the costs of administering the fund; and
- the effect of the fund on reducing the problem of drivers illegally failing to stop for school vehicles.

Background: GOCCP is responsible for the development and revision of the Maryland Crime Control and Prevention Strategy. The office exists to educate, connect, and empower Maryland's citizens and public safety entities through innovative funding, strategic planning, crime data analysis, best practices research, and results-oriented customer service. The office administers federal and State grant programs – including the grants for school bus safety enforcement – and serves as a clearinghouse for information, research, and analysis relating to crime control and prevention policy.

The program is funded through fines collected under the escalating penalty structure for uninsured motorists; these fines are directed from Maryland Department of Transportation under a specified allocation formula to the School Bus Safety Enforcement Fund, the DSP Vehicle Theft Prevention Fund, and the Maryland Automobile Insurance Fund, with the remaining balance accruing to the general fund. The School Bus Safety Enforcement Fund receives \$600,000 from the fines collected; annually, \$50,000 of that total amount is budgeted for administrative costs, while the remaining \$550,000 is awarded as grants to law enforcement agencies for enforcement programs.

GOCCP advises that there has been strong interest in the program, with more than 50 applications received and funded each year from fiscal 2014 through 2016. The annual report for fiscal 2015 details the 53 law enforcement agencies among the 22 counties that received awards. The office advises that all applicants received funding and that the initial awards totaled \$540,222, which allowed \$9,778 to be disbursed through the supplemental awards process as additional funding was needed throughout the year. For the fiscal 2015 awards, some counties had only one law enforcement agency recipient, while others had as many as five law enforcement agency recipients. Two counties had recipient initial awards totaling \$35,000, the maximum amount that may be awarded for use in a fiscal year to a single county. Seven other counties were awarded \$30,000 or more initially but did not receive the maximum allocation allowed.

GOCCP further advises that all of the funds used by law enforcement agencies are spent on overtime enforcement activities and public information campaigns; the funds are not used to supplant regular patrol activities. Methods of enforcement are chosen by each agency, but they have encompassed officers following school vehicles to stop violators, riding on school vehicles and radioing patrol vehicles when infractions were observed, and being stationed on school campuses during pick up and drop off. The goal of the program is to reduce serious injuries and fatalities caused by motorists who fail to stop and/or remain stopped for school buses. Over the five-year period from 2010 through 2014, a total of three fatal accidents and more than 250 personal injury accidents in Maryland were attributed to the failure to stop and/or remain stopped for school buses.

GOCCP is in the process of examining all of its grants and funding sources to determine whether grants are currently being put to the best use and conform to the priorities of the Administration. GOCCP indicates that, while the fund will continue to be used to address the problem of drivers who fail to stop for school vehicles, other safety issues (*e.g.*, drivers who fail to stop at crosswalks and deterring weapons) may be important to schools. Expanding the allowable uses of the fund provides flexibility to address additional school safety issues.

State Fiscal Effect: The maximum administrative costs for the program are paid out of the special fund, set in statute, and remain the same. Although the total amount of funding available for awards also remains the same, the bill allows local boards of education to apply for school safety grants and allows GOCCP to make initial awards from the fund totaling more than \$35,000 in a fiscal year for use in a single county.

Currently, only law enforcement agencies can apply, and typically DSP does so for the jurisdictions for which it has barracks (and provides full law enforcement services, often functioning as the only police agency handling incidents within the area or sometimes having concurrent jurisdiction). The fiscal 2015 initial awards for 15 of the 22 counties included DSP as one of the law enforcement agencies; DSP was allocated \$147,000 – more than one-quarter of the total amount initially awarded. Thus, with the expansion of the program, DSP may receive a lesser share of the total awards. It is possible, but less likely, that elimination of the limit on the total awards for use in a single county may result in DSP receiving additional funding. Any such impact on special fund revenues and expenditures for DSP is likely minimal.

Local Fiscal Effect: The bill likely has a minimal impact on local revenues and corresponding expenditures because total funding available for awards does not change. However, local boards of education become eligible for funding, and the bill removes the limit on the amount of funding awarded for use in a single county. Thus, based on the fiscal 2015 allocations, the two counties for which initial awards totaled \$35,000 qualify for additional funding (either to law enforcement agencies or local boards of education) under the bill. Although all applicants received awards in fiscal 2015, funding may become more competitive and certain counties may benefit from more monies available for use in their jurisdictions while others may, necessarily, receive less funding. (Although the bill does require that consideration be given to the geographic distribution of grant recipients.) Essentially, the program expansion may lead to more applicants receiving smaller awards, fewer applicants receiving larger awards, or some combination thereof. Because applications must be submitted by May 31 for awards the following fiscal year, the first year in which local boards of education may receive awards is fiscal 2018.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention, Maryland State Department of Education, Maryland Association of Boards of Education, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2016
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Public Safety – School Safety Enforcement Fund**

BILL NUMBER: SB 83

PREPARED BY: Don Hogan

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The bill broadens the purposes for which the existing fund can be used. It will have no impact on small business.