

Department of Legislative Services  
 Maryland General Assembly  
 2017 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 564 (Delegate Jackson, *et al.*)  
 Appropriations

Public Safety - Maryland Police Training and Standards Commission Fund -  
 Establishment

This bill establishes the Maryland Police Training and Standards Commission Fund, administered by the Department of Public Safety and Correctional Services (DPSCS), to provide funding for activities and training by the Maryland Police Training and Standards Commission (MPTSC). The fund consists of (1) revenue distributed to the fund from specified court fees; (2) money appropriated in the State budget to the fund; (3) interest earnings; and (4) any other money from any other source accepted for the benefit of the fund. The Comptroller must annually pay \$2 million in collected fees from specified court costs into the fund.

The bill takes effect July 1, 2017.

Fiscal Summary

**State Effect:** General fund revenues from collected court costs decrease by \$2 million annually beginning in FY 2018 due to the redirection of funds. Special fund revenues to and expenditures from the new fund within DPSCS increase correspondingly.

| (in dollars)   | FY 2018       | FY 2019       | FY 2020       | FY 2021       | FY 2022       |
|----------------|---------------|---------------|---------------|---------------|---------------|
| GF Revenue     | (\$2,000,000) | (\$2,000,000) | (\$2,000,000) | (\$2,000,000) | (\$2,000,000) |
| SF Revenue     | \$2,000,000   | \$2,000,000   | \$2,000,000   | \$2,000,000   | \$2,000,000   |
| SF Expenditure | \$2,000,000   | \$2,000,000   | \$2,000,000   | \$2,000,000   | \$2,000,000   |
| Net Effect     | (\$2,000,000) | (\$2,000,000) | (\$2,000,000) | (\$2,000,000) | (\$2,000,000) |

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The fund may be used only to provide funding to MPTSC, and expenditures from the fund may be made only in accordance with the State budget. Money distributed from the fund must be used to supplement, but not supplant, any other funding for MPTSC.

The fund is subject to audit by the legislative auditor, as specified.

### **Current Law/ Background:**

#### *The Maryland Police Training and Standards Commission*

Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within DPSCS. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

Training for the certification of law enforcement officers in the State may be conducted at MPTSC facilities or at any of 20 police training academies in the State certified by MPTSC. There are approximately 16,500 certified police officers in Maryland.

The Governor's proposed fiscal 2018 budget includes a total of \$8.6 million for the Police and Correctional Training Commissions (PCTC), which includes MPTSC and the Correctional Training Commission (CTC). Specifically, the Governor's proposed fiscal 2018 budget includes \$7.6 million in general funds, \$0.4 million in special funds, \$0.1 million in federal funds, and \$0.5 million in reimbursable funds.

#### *Court Costs*

Court costs of \$22.50 are imposed on a defendant in a traffic case, including parking and impounding cases, contested automated enforcement cases, and contested cases of unlawful litter disposal. Such costs are also applicable to cases in which the defendant

waives the right to trial and instead pays the applicable fine or penalty deposit. Court costs of \$22.50 are also imposed on a defendant in a District Court criminal case.

From these costs (as well as costs collected in uncontested cases, as specified), the Comptroller must pay \$500,000 annually into the Criminal Injuries Compensation Fund, a special fund within DPSCS that provides financial assistance for innocent victims of crime. The Comptroller must also pay \$125,000 annually from those court costs to the Victim and Witness Protection and Relocation Fund, which is a special fund administered by the States' Attorneys' coordinator that is used to carry out the Victim and Witness Protection and Relocation Program.

For specified jailable and nonjailable traffic cases in the District Court, a \$7.50 surcharge is also imposed under § 7-301(f) of the Courts Article.

If the defendant is convicted of a jailable traffic offense or criminal offense in the District Court, an additional \$35 in court costs is imposed under § 7-409(c) of the Courts Article. If the defendant is convicted of a nonjailable traffic offense in the District Court, an additional court cost of \$3 is imposed under § 7-409(d) of the Courts Article.

### **State Fiscal Effect:**

#### *Redirection of Court Costs to the New Fund*

The bill redirects \$2 million in specified court fees that otherwise would have been disbursed to the general fund, to MPTSC. Thus, beginning in fiscal 2018, general fund revenues decrease by \$2 million annually, and MPTSC's special fund revenues and expenditures increase correspondingly. This estimate assumes that there is at least \$2 million in applicable court fees collected each year. The Administrative Office of the Courts advises that, in fiscal 2016, approximately \$14.6 million was collected and disbursed to the State general fund for costs in both traffic and criminal cases under § 7-301(a) and (b)(1) of the Courts Article.

This analysis assumes that MPTSC spends all of the redirected funds each year. The Department of Legislative Services (DLS) notes that DPSCS has not received additional funding to implement Chapter 519 of 2016. Although Chapter 519 specified the intent of the General Assembly that, to the extent possible, MPTSC and CTC must continue to share training and support staff, the Act also prescribed a number of additional responsibilities for MPTSC that were not previously supported by the PCTC staff. Accordingly, in the fiscal and policy note for House Bill 1016 of 2016 (Chapter 519), DLS estimated that MPTSC expenditures increase by at least \$1,456,058 in fiscal 2017 to hire additional staff (in addition to staff anticipated to be transferred from PCTC to MPTSC).

The analysis does not reflect any investment earnings of the new fund; thus, fund activity could be higher.

The funding provided to MPTSC under the bill is *supplemental to* any State or other funds it receives; thus, there is no decrease in general fund expenditures for MPTSC.

*Office of Legislative Audits*

The Office of Legislative Audits can audit the new fund during its regular audit of DPSCS using existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2017  
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