

# SENATE BILL 545

E4, L6

8lr3396  
CF HB 432

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By: **Senator Conway**

Introduced and read first time: January 31, 2018

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Maryland Violence Intervention and Prevention Program Fund**  
3 **– Establishment**

4 FOR the purpose of establishing the Maryland Violence Intervention and Prevention  
5 Program Fund as a special, nonlapsing fund; specifying the purpose of the Fund;  
6 requiring the Executive Director of the Governor’s Office of Crime Control and  
7 Prevention to administer the Fund in consultation with the Maryland Violence  
8 Intervention and Prevention Advisory Council; requiring the State Treasurer to hold  
9 the Fund and the Comptroller, in conjunction with the Executive Director, to account  
10 for the Fund; specifying the contents of the Fund; requiring the Governor to annually  
11 appropriate a certain amount to the Fund; specifying the purpose for which the Fund  
12 may be used; providing for the investment of money in and expenditures from the  
13 Fund; providing that the accounts and transactions of the Fund shall be subject to a  
14 certain audit; establishing the Maryland Violence Intervention and Prevention  
15 Advisory Council in the Governor’s Office of Crime Control and Prevention;  
16 specifying the membership of the Council; specifying the duties of the Council;  
17 requiring that certain information be provided in a certain evaluation; providing that  
18 members of the Council may not receive compensation but are entitled to  
19 reimbursement for certain expenses; requiring the Executive Director, in  
20 consultation with the Council, to establish procedures for local governments to use  
21 in applying for money from the Fund; specifying the information that must be  
22 provided in an application for money from the Fund; requiring the Executive  
23 Director, in consultation with the Council, to establish procedures for the  
24 distribution of funds; specifying the duration of awards and a certain preference for  
25 the award of funds; specifying certain requirements for a local government that is  
26 awarded money from the Fund; exempting the Fund from a certain provision of law  
27 requiring interest on State money in special funds to accrue to the General Fund of  
28 the State; requiring that certain reports be posted to a certain website; defining  
29 certain terms; and generally relating to the establishment and use of the Maryland  
30 Violence Intervention and Prevention Program Fund.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Public Safety  
3 Section 4–801 through 4–806 to be under the new subtitle “Subtitle 8. Maryland  
4 Violence Intervention and Prevention Program Fund”  
5 Annotated Code of Maryland  
6 (2011 Replacement Volume and 2017 Supplement)

7 BY repealing and reenacting, without amendments,  
8 Article – State Finance and Procurement  
9 Section 6–226(a)(2)(i)  
10 Annotated Code of Maryland  
11 (2015 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – State Finance and Procurement  
14 Section 6–226(a)(2)(ii)101. and 102.  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2017 Supplement)

17 BY adding to  
18 Article – State Finance and Procurement  
19 Section 6–226(a)(2)(ii)103.  
20 Annotated Code of Maryland  
21 (2015 Replacement Volume and 2017 Supplement)

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

24 **Article – Public Safety**

25 **SUBTITLE 8. MARYLAND VIOLENCE INTERVENTION AND PREVENTION PROGRAM**  
26 **FUND.**

27 **4–801.**

28 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
29 **INDICATED.**

30 **(B) “COUNCIL” MEANS THE MARYLAND VIOLENCE INTERVENTION AND**  
31 **PREVENTION ADVISORY COUNCIL ESTABLISHED UNDER § 4–803 OF THIS SUBTITLE.**

32 **(C) “EVIDENCE–BASED HEALTH PROGRAM” MEANS A PROGRAM OR AN**  
33 **INITIATIVE THAT:**

34 **(1) IS DEVELOPED AND EVALUATED THROUGH SCIENTIFIC RESEARCH**  
35 **AND DATA COLLECTION;**

1           **(2) USES PUBLIC HEALTH PRINCIPLES THAT DEMONSTRATE**  
2 **MEASURABLE POSITIVE OUTCOMES IN PREVENTING GUN VIOLENCE; AND**

3           **(3) IS OPERATED BY A COMMUNITY–BASED ORGANIZATION.**

4           **(D) “EVIDENCE–INFORMED HEALTH PROGRAM” MEANS A PROGRAM, AN**  
5 **APPROACH, OR AN INITIATIVE THAT IS:**

6           **(1) BASED ON PUBLIC HEALTH PRINCIPLES;**

7           **(2) CAPABLE OF BEING STUDIED AND EVALUATED THROUGH**  
8 **RESEARCH AND DATA COLLECTION;**

9           **(3) FOR THE PURPOSE OF REDUCING GUN VIOLENCE;**

10           **(4) DIRECTED TO INFLUENCE FACTORS DETERMINED TO AFFECT GUN**  
11 **VIOLENCE; AND**

12           **(5) OPERATED BY A COMMUNITY–BASED ORGANIZATION.**

13           **(E) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE**  
14 **GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

15           **(F) “FUND” MEANS THE MARYLAND VIOLENCE INTERVENTION AND**  
16 **PREVENTION PROGRAM FUND.**

17           **(G) “LOCAL GOVERNMENT” MEANS A COUNTY OR MUNICIPALITY.**

18 **4–802.**

19           **(A) THERE IS A MARYLAND VIOLENCE INTERVENTION AND PREVENTION**  
20 **PROGRAM FUND.**

21           **(B) THE PURPOSE OF THE FUND IS TO:**

22           **(1) PROVIDE FUNDS TO LOCAL GOVERNMENTS FOR THE**  
23 **DISTRIBUTION OF GRANTS TO IMPLEMENT EVIDENCE–BASED HEALTH PROGRAMS**  
24 **OR EVIDENCE–INFORMED HEALTH PROGRAMS; AND**

25           **(2) EVALUATE THE EFFICACY OF EVIDENCE–BASED HEALTH**  
26 **PROGRAMS OR EVIDENCE–INFORMED HEALTH PROGRAMS FUNDED THROUGH THE**  
27 **FUND.**

1 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND IN  
2 CONSULTATION WITH THE COUNCIL.

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

5 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY  
6 AND THE COMPTROLLER, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR,  
7 SHALL ACCOUNT FOR THE FUND.

8 (E) (1) THE FUND CONSISTS OF:

9 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE  
10 FUND;

11 (II) INVESTMENT EARNINGS OF THE FUND; AND

12 (III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
13 BENEFIT OF THE FUND.

14 (2) THE GOVERNOR SHALL ANNUALLY APPROPRIATE AT LEAST  
15 \$5,000,000 TO THE FUND.

16 (F) (1) THE FUND SHALL BE USED IN THE FOLLOWING MANNER:

17 (I) TO PROVIDE FUNDS TO LOCAL GOVERNMENTS FOR THE  
18 DISTRIBUTION OF GRANTS TO IMPLEMENT EVIDENCE-BASED HEALTH PROGRAMS  
19 OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND

20 (II) IN AN AMOUNT NOT GREATER THAN 5% OF THE FUND, FOR  
21 THE EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR  
22 EVIDENCE-INFORMED HEALTH PROGRAMS AWARDED GRANTS THROUGH THE  
23 FUND.

24 (2) THE FUND MAY NOT BE USED TO:

25 (I) SUPPLANT FUNDING THAT WOULD OTHERWISE BE  
26 AVAILABLE FOR VIOLENCE INTERVENTION PROGRAMS; OR

27 (II) FUND SUPPRESSION ACTIVITIES BY LAW ENFORCEMENT.

28 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND

1 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

2 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO  
3 THE FUND.

4 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
5 WITH THE STATE BUDGET.

6 (I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT  
7 TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE  
8 GOVERNMENT ARTICLE.

9 4-803.

10 (A) THERE IS A MARYLAND VIOLENCE INTERVENTION AND PREVENTION  
11 ADVISORY COUNCIL IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
12 PREVENTION.

13 (B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

14 (1) THE EXECUTIVE DIRECTOR; AND

15 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, EIGHT  
16 INDIVIDUALS APPOINTED AS FOLLOWS:

17 (I) FOUR INDIVIDUALS FROM COMMUNITY-BASED OR  
18 HOSPITAL-BASED ORGANIZATIONS THAT USE EVIDENCE-BASED HEALTH  
19 PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS, TWO APPOINTED BY THE  
20 PRESIDENT OF THE SENATE AND TWO APPOINTED BY THE SPEAKER OF THE HOUSE;

21 (II) TWO INDIVIDUALS FROM LOCAL POLICE DEPARTMENTS OR  
22 THE DEPARTMENT OF STATE POLICE, ONE APPOINTED BY THE PRESIDENT OF THE  
23 SENATE AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE; AND

24 (III) TWO INDIVIDUALS FROM LOCAL HEALTH DEPARTMENTS  
25 THAT ARE IMPLEMENTING VIOLENCE PREVENTION STRATEGIES, ONE APPOINTED  
26 BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE  
27 HOUSE.

28 (C) IN MAKING APPOINTMENTS UNDER SUBSECTION (B)(2) OF THIS  
29 SECTION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE  
30 SHALL ENSURE GEOGRAPHIC AND RACIAL DIVERSITY AMONG THE MEMBERS.

1           **(D) (1) THE COUNCIL SHALL:**

2                   **(I) ALLOCATE FUNDS FOR THE EVALUATION OF THE EFFICACY**  
3 **OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH**  
4 **PROGRAMS THAT RECEIVE FUNDING IN ACCORDANCE WITH PARAGRAPH (2) OF THIS**  
5 **SUBSECTION;**

6                   **(II) PROVIDE INPUT TO THE EXECUTIVE DIRECTOR ON THE**  
7 **ADMINISTRATION OF THE FUND;**

8                   **(III) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING**  
9 **PROCEDURES FOR LOCAL GOVERNMENTS TO APPLY FOR FUNDING;**

10                   **(IV) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING**  
11 **PROCEDURES FOR THE DISTRIBUTION OF FUNDING;**

12                   **(V) CREATE GUIDELINES FOR FUNDING ELIGIBILITY;**

13                   **(VI) REVIEW AND APPROVE APPLICATIONS FOR FUNDING;**

14                   **(VII) REVIEW AND PUBLISH REPORTS REGARDING THE SUCCESS**  
15 **AND FAILURE OF NONSUPPRESSION-BASED VIOLENCE INTERVENTION AND**  
16 **PREVENTION PROGRAMS;**

17                   **(VIII) ADVISE THE GOVERNOR AND THE EXECUTIVE DIRECTOR**  
18 **ON THE IMPLEMENTATION OF GUN VIOLENCE PREVENTION PROGRAMS IN THE**  
19 **STATE; AND**

20                   **(IX) BE GOVERNED BY A MAJORITY VOTE.**

21                   **(2) AN EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH**  
22 **PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS THAT RECEIVE FUNDING**  
23 **UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE UNDERTAKEN BY AN**  
24 **INDEPENDENT, THIRD-PARTY RESEARCHER SELECTED BY THE COUNCIL.**

25                   **(3) THE RESULTS OF THE EVALUATION UNDER PARAGRAPH (2) OF**  
26 **THIS SUBSECTION SHALL BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME**  
27 **CONTROL AND PREVENTION'S WEBSITE.**

28           **(E) A MEMBER OF THE COUNCIL:**

29                   **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
30 **COUNCIL; BUT**

1           **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
2 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

3 **4-804.**

4           **(A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION**  
5 **(B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH**  
6 **PROCEDURES FOR LOCAL GOVERNMENTS TO USE IN APPLYING FOR MONEY FROM**  
7 **THE FUND.**

8           **(B) AN APPLICATION SHALL REQUIRE A LOCAL GOVERNMENT TO PROVIDE,**  
9 **AT A MINIMUM:**

10           **(1) CLEARLY DEFINED AND MEASUREABLE OBJECTIVES;**

11           **(2) EVIDENCE THAT THE PROPOSED EVIDENCE-BASED HEALTH**  
12 **PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS WOULD LIKELY REDUCE**  
13 **GUN VIOLENCE; AND**

14           **(3) A DESCRIPTION OF HOW THE LOCAL GOVERNMENT PROPOSES TO**  
15 **USE THE FUNDING TO:**

16           **(I) ESTABLISH OR ENHANCE EVIDENCE-BASED HEALTH**  
17 **PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND**

18           **(II) ENHANCE COORDINATION OF EXISTING VIOLENCE**  
19 **INTERVENTION PROGRAMS, IF ANY, TO MINIMIZE DUPLICATION OF SERVICES.**

20 **4-805.**

21           **(A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION**  
22 **(B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH**  
23 **PROCEDURES FOR THE DISTRIBUTION OF MONEY FROM THE FUND.**

24           **(B) (1) FUNDING AWARDS SHALL BE MADE TO LOCAL GOVERNMENTS FOR**  
25 **A MINIMUM DURATION OF 3 CONSECUTIVE FISCAL YEARS.**

26           **(2) PREFERENCE SHALL BE GIVEN TO LOCAL GOVERNMENTS:**

27           **(I) THAT ARE DISPROPORTIONATELY AFFECTED BY VIOLENCE,**  
28 **AS DETERMINED BY THE COUNCIL; AND**

1 (II) THAT HAVE ESTABLISHED EFFECTIVE EVIDENCE-BASED  
2 HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS.

3 4-806.

4 (A) A LOCAL GOVERNMENT THAT RECEIVES FUNDING UNDER THIS  
5 SUBTITLE SHALL:

6 (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
7 PROVIDE A CASH OR IN-KIND MATCH EQUIVALENT TO 33% OF THE AMOUNT  
8 AWARDED;

9 (2) USE THE AWARD TO SUPPLEMENT AND NOT SUPPLANT FUNDING  
10 THAT WOULD OTHERWISE BE AVAILABLE TO IMPLEMENT EVIDENCE-BASED HEALTH  
11 PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND

12 (3) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, SUBMIT  
13 A REPORT EVERY 2 YEARS TO THE EXECUTIVE DIRECTOR.

14 (B) THE MATCHING FUND REQUIREMENT UNDER SUBSECTION (A)(1) OF  
15 THIS SECTION SHALL BE WAIVED IF THE LOCAL GOVERNMENT CAN DEMONSTRATE  
16 GOOD CAUSE, AS DETERMINED BY THE EXECUTIVE DIRECTOR.

17 (C) THE REPORT REQUIRED UNDER SUBSECTION (A)(3) OF THIS SECTION  
18 SHALL:

19 (1) INCLUDE THE FOLLOWING INFORMATION:

20 (I) DATA COLLECTED DURING THE DURATION OF THE AWARD;

21 (II) A DISCUSSION OF ANY COLLABORATIVE EFFORTS BETWEEN  
22 THE LOCAL GOVERNMENT, A COMMUNITY-BASED ORGANIZATION, AND ANY OTHER  
23 ENTITY IN FURTHERANCE OF THE OBJECTIVES OF THE AWARD; AND

24 (III) AN ANALYSIS OF THE PROGRESS MADE IN ACHIEVING THE  
25 OBJECTIVES OF THE AWARD; AND

26 (2) BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME CONTROL  
27 AND PREVENTION'S WEBSITE.

28 Article - State Finance and Procurement

29 6-226.

1           (a)   (2)   (i)   Notwithstanding any other provision of law, and unless  
2 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
3 terms of a gift or settlement agreement, net interest on all State money allocated by the  
4 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
5 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
6 Fund of the State.

7                           (ii)   The provisions of subparagraph (i) of this paragraph do not apply  
8 to the following funds:

9   101.   the Advance Directive Program Fund; [and]

10   102.   the Make Office Vacancies Extinct Matching Fund; AND

11   **103.   THE MARYLAND VIOLENCE INTERVENTION AND**  
12 **PREVENTION PROGRAM FUND.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2018.