

HOUSE BILL 397

E4, C5

9lr2947
CF 9lr0678

By: **Delegates Krebs, Jackson, Acevero, Anderton, Arentz, Arikan, Atterbeary, B. Barnes, D. Barnes, Barron, Bartlett, Barve, Beitzel, Boyce, Branch, Buckel, Carey, Cassilly, Chang, Charkoudian, Charles, Chisholm, Clark, Corderman, Cox, Crosby, D.M. Davis, Dumais, Fennell, Fraser-Hidalgo, Ghrist, Gilchrist, Harrison, Haynes, Hettleman, Hill, Hornberger, Howard, Ivey, Kelly, Kerr, Kittleman, Korman, Krimm, Lehman, Lierman, Long, Luedtke, Malone, Mautz, McComas, McKay, Morgan, Palakovich Carr, Parrott, Patterson, Proctor, Qi, Queen, Reilly, Rose, Saab, Sample-Hughes, Shoemaker, Smith, Solomon, Szeliga, Turner, Valderrama, Walker, R. Watson, Wells, Wilson, and P. Young**

Introduced and read first time: January 30, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – 9–1–1 Emergency Telephone System**
3 **(Carl Henn’s Law)**

4 FOR the purpose of requiring a certain custodian of records to deny inspection of the part
5 of a 9–1–1 communications record that depicts certain information, subject to a
6 certain exception; authorizing a custodian to redact certain information under
7 certain circumstances; requiring a certain custodian to allow inspection of a certain
8 public record by the person in interest; providing that this Act may not be construed
9 to affect the discovery or evidentiary rights of certain parties; altering certain
10 references from “calls” to “requests for emergency services” for purposes of provisions
11 of law concerning 9–1–1 service; requiring the Emergency Number Systems Board
12 to establish certain minimum standards for records retention guidelines for 9–1–1
13 audio, video, text messages, and data; requiring the Board to establish certain
14 training standards for public safety answering point personnel; requiring the Board
15 to establish certain minimum standards for cybersecurity, oversight, and
16 accountability; requiring certain planning guidelines established by the Board for
17 certain 9–1–1 system plans to require Next Generation 9–1–1 services systems to be
18 interconnected and interoperable, as determined by the Board; requiring the Board
19 to establish certain minimum standards for certain 9–1–1 systems that ensure
20 certain access for individuals with disabilities and individuals who use assistive
21 technologies and to update those standards in a certain manner; altering the
22 purposes of the 9–1–1 Trust Fund beginning on a certain date; authorizing the use

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of money collected from a certain 9–1–1 fee to pay costs associated with maintenance,
2 operations, and programs approved by the Board in accordance with certain
3 provisions of this Act; requiring, rather than authorizing, the use of money from a
4 certain prepaid wireless E 9–1–1 fee for certain purposes; requiring the Board, in
5 consultation with the Maryland Cybersecurity Council, to establish certain
6 cybersecurity standards for public safety answering points; requiring the director of
7 each public safety answering point to examine the cybersecurity of the public safety
8 answering point under certain circumstances and to submit to the Board a certain
9 report; prohibiting the Comptroller from paying any money from the 9–1–1 Trust
10 Fund to a county under certain circumstances; altering the amount of and method
11 for calculating the 9–1–1 fee; altering the amount of and method for calculating a
12 certain additional charge; authorizing a county to impose an additional charge not
13 exceeding a certain increased amount under certain circumstances; providing an
14 emergency services Internet Protocol network provider and a core service provider
15 of Next Generation 9–1–1 services certain immunity from liability; requiring the
16 Governor to provide a certain plan; providing for the application of certain provisions
17 of this Act; defining and altering certain terms; making certain conforming changes;
18 making certain stylistic changes; and generally relating to 9–1–1 service.

19 BY repealing and reenacting, without amendments,

20 Article – General Provisions

21 Section 4–328

22 Annotated Code of Maryland

23 (2014 Volume and 2018 Supplement)

24 BY adding to

25 Article – General Provisions

26 Section 4–342

27 Annotated Code of Maryland

28 (2014 Volume and 2018 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article – Public Safety

31 Section 1–301, 1–304(f), 1–306, and 1–308 through 1–311

32 Annotated Code of Maryland

33 (2018 Replacement Volume)

34 BY repealing and reenacting, without amendments,

35 Article – Public Safety

36 Section 1–303, 1–307, and 1–312

37 Annotated Code of Maryland

38 (2018 Replacement Volume)

39 BY adding to

40 Article – Public Safety

41 Section 1–309.1 and 1–315

42 Annotated Code of Maryland

1 (2018 Replacement Volume)

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

4 **Article – General Provisions**

5 **4–328.**

6 Unless otherwise provided by law, a custodian shall deny inspection of a part of a
7 public record, as provided in this part.

8 **4–342.**

9 **(A) IN THIS SECTION, “GORY OR GRUESOME” MEANS SCENES SHOWING**
10 **SEVERE BODILY INJURY, INCLUDING PROFUSE BLEEDING, SEVERE LACERATIONS,**
11 **DISFIGUREMENT, OR TRAUMATIC INJURIES.**

12 **(B) (1) THIS SECTION DOES NOT APPLY TO A PUBLIC RECORD THAT HAS**
13 **BEEN ENTERED INTO EVIDENCE IN A COURT PROCEEDING.**

14 **(2) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE**
15 **DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL**
16 **PROSECUTION.**

17 **(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, A CUSTODIAN**
18 **SHALL DENY INSPECTION OF THE PART OF A 9–1–1 COMMUNICATIONS RECORD THAT**
19 **DEPICTS:**

20 **(1) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF**
21 **DOMESTIC VIOLENCE, AS DEFINED IN § 4–701 OF THE FAMILY LAW ARTICLE;**

22 **(2) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A**
23 **VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;**

24 **(3) EXCEPT FOR A VIOLATION OF § 3–607 OF THE CRIMINAL LAW**
25 **ARTICLE WHERE THE VICTIM IS AN ADULT, A VICTIM OR INFORMATION THAT COULD**
26 **IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW**
27 **ARTICLE;**

28 **(4) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE**
29 **INDIVIDUAL’S MEDICAL HISTORY;**

30 **(5) IF THE CUSTODIAN IS AWARE THAT INFORMATION WAS PROVIDED**

1 VOLUNTARILY TO THE FILE BY A THIRD PARTY, THE THIRD PARTY'S INFORMATION;
2 OR

3 (6) IMAGES THAT MAY BE CONSIDERED GORY OR GRUESOME OR
4 CONVEY SCENES OF MURDER OR SUICIDE.

5 (D) A CUSTODIAN MAY REDACT THE INFORMATION DESCRIBED UNDER
6 SUBSECTION (C) OF THIS SECTION IF A FAILURE TO DO SO WOULD RESULT IN A
7 CONSTRUCTIVE DENIAL OF THE ENTIRE PUBLIC RECORD.

8 (E) A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.

9 Article – Public Safety

10 1–301.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) “Additional charge” means the charge imposed by a county in accordance with
13 § 1–311 of this subtitle.

14 (c) “Board” means the Emergency Number Systems Board.

15 (d) “Commercial mobile radio service” or “CMRS” means mobile
16 telecommunications service that is:

17 (1) provided for profit with the intent of receiving compensation or
18 monetary gain;

19 (2) an interconnected, two-way voice service; and

20 (3) available to the public.

21 (e) “Commercial mobile radio service provider” or “CMRS provider” means a
22 person authorized by the Federal Communications Commission to provide CMRS in the
23 State.

24 (f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1 system, or
25 an amendment to the plan, developed by a county or several counties together under this
26 subtitle.

27 (g) (1) “Customer” means:

28 (i) the person that contracts with a home service provider for CMRS;

29 or

1 (ii) the end user of the CMRS if the end user of the CMRS is not the
2 contracting party.

3 (2) “Customer” does not include:

4 (i) a reseller of CMRS; or

5 (ii) a serving carrier under an arrangement to serve the customer
6 outside the home service provider’s licensed service area.

7 (h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:

8 (1) automatic number identification;

9 (2) automatic location identification; and

10 (3) any other technological advancements that the Board requires.

11 (i) “FCC order” means an order issued by the Federal Communications
12 Commission under proceedings regarding the compatibility of enhanced 9–1–1 systems and
13 delivery of wireless enhanced 9–1–1 service.

14 (j) “Home service provider” means the facilities-based carrier or reseller that
15 contracts with a customer to provide CMRS.

16 (k) “Next [generation] **GENERATION** 9–1–1 services” means an Internet Protocol
17 (IP)–based system, comprised of hardware, software, data, and operational policies and
18 procedures, that:

19 (1) provides standardized interfaces from emergency call and message
20 services to support emergency communications;

21 (2) processes all types of [emergency calls] **REQUESTS FOR EMERGENCY**
22 **SERVICES**, including voice, text, data, and multimedia information;

23 (3) acquires and integrates additional emergency call data useful to [call]
24 routing and handling **OF REQUESTS FOR EMERGENCY SERVICES**;

25 (4) delivers the emergency calls, messages, and data to the appropriate
26 public safety answering point and other appropriate emergency entities;

27 (5) supports data or video communications needs for coordinated incident
28 response and management; and

29 (6) provides broadband service to public safety answering points or other
30 first responder entities.

1 (l) "9-1-1-accessible service" means telephone service or another
 2 communications service that connects an individual dialing the digits 9-1-1 to an
 3 established public safety answering point.

4 (m) "9-1-1 fee" means the fee imposed in accordance with § 1-310 of this subtitle.

5 (n) (1) "9-1-1 service carrier" means a provider of CMRS or other
 6 9-1-1-accessible service.

7 (2) "9-1-1 service carrier" does not include a telephone company.

8 (O) "9-1-1 SPECIALIST" MEANS AN EMPLOYEE OF A COUNTY, OR AN
 9 EMPLOYEE WORKING IN A COUNTY PUBLIC SAFETY ANSWERING POINT, WHOSE
 10 DUTIES AND RESPONSIBILITIES INCLUDE:

11 (1) RECEIVING AND PROCESSING 9-1-1 REQUESTS FOR EMERGENCY
 12 SERVICES;

13 (2) OTHER SUPPORT FUNCTIONS DIRECTLY RELATED TO 9-1-1
 14 REQUESTS FOR EMERGENCY SERVICES; OR

15 (3) DISPATCHING LAW ENFORCEMENT OFFICERS, FIRE RESCUE
 16 SERVICES, EMERGENCY MEDICAL SERVICES, AND OTHER PUBLIC SAFETY SERVICES
 17 TO THE SCENE OF AN EMERGENCY.

18 [(o)] (P) (1) "9-1-1 system" means telephone service that:

19 (i) meets the planning guidelines established under this subtitle;
 20 and

21 (ii) automatically connects an individual dialing the digits 9-1-1 to
 22 an established public safety answering point.

23 (2) "9-1-1 system" includes:

24 (i) equipment for connecting and outswitching 9-1-1 calls within a
 25 telephone central office;

26 (ii) trunking facilities from a telephone central office to a public
 27 safety answering point; and

28 (iii) equipment to connect 9-1-1 calls to the appropriate public safety
 29 agency.

30 [(p)] (Q) "9-1-1 Trust Fund" means the fund established under § 1-308 of this
 31 subtitle.

1 **[(q)] (R)** “Prepaid wireless E 9–1–1 fee” means the fee that is required to be
2 collected by a seller from a consumer in the amount established under § 1–313 of this
3 subtitle.

4 **[(r)] (S)** “Prepaid wireless telecommunications service” means a commercial
5 mobile radio service that:

- 6 (1) allows a consumer to dial 9–1–1 to access the 9–1–1 system;
- 7 (2) must be paid for in advance; and
- 8 (3) is sold in predetermined units that decline with use in a known amount.

9 **[(s)] (T)** “Public safety agency” means:

- 10 (1) a functional division of a public agency that provides fire fighting,
11 police, medical, or other emergency services; or
- 12 (2) a private entity that provides fire fighting, police, medical, or other
13 emergency services on a voluntary basis.

14 **[(t)] (U)** “Public safety answering point” means a communications facility that:

- 15 (1) is operated on a 24–hour basis;
- 16 (2) first receives 9–1–1 **[calls] REQUESTS FOR EMERGENCY SERVICES** in
17 a 9–1–1 service area; and
- 18 (3) as appropriate, dispatches public safety services directly, or transfers
19 9–1–1 **[calls] REQUESTS FOR EMERGENCY SERVICES** to appropriate public safety
20 agencies.

21 **[(u)] (V)** “Secretary” means the Secretary of Public Safety and Correctional
22 Services.

23 **[(v)] (W)** “Seller” means a person that sells prepaid wireless telecommunications
24 service to another person.

25 **[(w)] (X)** “Wireless enhanced 9–1–1 service” means enhanced 9–1–1 service
26 under an FCC order.

27 1–303.

1 (a) (1) This subtitle does not require a public service company to provide any
2 equipment or service other than in accordance with tariffs approved by the Public Service
3 Commission.

4 (2) The provision of services, the rates, and the extent of liability of a public
5 service company are governed by the tariffs approved by the Public Service Commission.

6 (b) (1) This subtitle does not require a 9-1-1 service carrier to provide any
7 equipment or service other than the equivalent of the equipment and service required of a
8 telephone company under subsection (a) of this section.

9 (2) This subtitle does not extend any liability to a 9-1-1 service carrier or
10 seller of prepaid wireless telecommunications service.

11 1-304.

12 (f) (1) Each public safety answering point shall notify the public safety
13 agencies in a county 9-1-1 system of [calls for assistance] **REQUESTS FOR EMERGENCY**
14 **SERVICES** in the county.

15 (2) Written guidelines shall be developed to govern the referral of [calls for
16 assistance] **REQUESTS FOR EMERGENCY SERVICES** to the appropriate public safety
17 agency.

18 (3) State, county, and local public safety agencies with concurrent
19 jurisdiction shall have written agreements to ensure a clear understanding of which specific
20 [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** will be referred to which
21 public safety agency.

22 1-306.

23 (a) The Board shall coordinate the enhancement of county 9-1-1 systems.

24 (b) The Board's responsibilities include:

25 (1) establishing planning guidelines for enhanced 9-1-1 system plans and
26 deployment of wireless enhanced 9-1-1 service in accordance with this subtitle;

27 (2) establishing procedures to review and approve or disapprove county
28 plans and to evaluate requests for variations from the planning guidelines established by
29 the Board;

30 (3) establishing procedures for the request for reimbursement of the costs
31 of enhancing a 9-1-1 system by a county or counties in which a 9-1-1 system is in
32 operation, and procedures to review and approve or disapprove the request;

1 (4) transmitting the planning guidelines and procedures established under
2 this section, and any amendments to them, to the governing body of each county;

3 (5) submitting to the Secretary each year a schedule for implementing the
4 enhancement of county or multicounty 9-1-1 systems, and an estimate of funding
5 requirements based on the approved county plans;

6 (6) developing, with input from counties, and publishing on or before July
7 1, 2004, an implementation schedule for deployment of wireless enhanced 9-1-1 service;

8 (7) reviewing and approving or disapproving requests for reimbursement
9 of the costs of enhancing 9-1-1 systems, and submitting to the Secretary each year a
10 schedule for reimbursement and an estimate of funding requirements;

11 (8) reviewing the enhancement of 9-1-1 systems;

12 (9) providing for an audit of county expenditures for the operation and
13 maintenance of 9-1-1 systems;

14 (10) ensuring inspections of public safety answering points;

15 (11) reviewing and approving or disapproving requests from counties with
16 operational enhanced 9-1-1 systems to be exempted from the expenditure limitations
17 under § 1-312 of this subtitle;

18 (12) authorizing expenditures from the 9-1-1 Trust Fund that:

19 (i) are for enhancements of 9-1-1 systems that:

20 1. are required by the Board;

21 2. will be provided to a county by a third party contractor;

22 and

23 3. will incur costs that the Board has approved before the
24 formation of a contract between the county and the contractor; and

25 (ii) are approved by the Board for payment:

26 1. from money collected under § 1-310 of this subtitle; and

27 2. directly to a third party contractor on behalf of a county;

28 [and]

29 (13) establishing planning guidelines for [next generation] **NEXT**
30 **GENERATION** 9-1-1 services system plans and deployment of [next generation] **NEXT**
31 **GENERATION** 9-1-1 services in accordance with this subtitle;

1 **(14) ESTABLISHING MINIMUM STANDARDS FOR RECORDS RETENTION**
2 **GUIDELINES FOR 9-1-1 AUDIO, PICTURES, VIDEO, TEXT MESSAGES, AND DATA;**

3 **(15) ESTABLISHING TRAINING STANDARDS FOR PUBLIC SAFETY**
4 **ANSWERING POINT PERSONNEL BASED ON NATIONAL BEST PRACTICES; AND**

5 **(16) ESTABLISHING MINIMUM STANDARDS FOR CYBERSECURITY,**
6 **OVERSIGHT, AND ACCOUNTABILITY OF SERVICE LEVEL AGREEMENTS BETWEEN**
7 **COUNTIES AND CORE SERVICE PROVIDERS OF NEXT GENERATION 9-1-1 SERVICES.**

8 (c) The guidelines established by the Board under subsection (b)(1) and (13) of
9 this section:

10 (1) shall be based on available technology and equipment; [and]

11 **(2) SHALL REQUIRE NEXT GENERATION 9-1-1 SERVICES SYSTEMS TO**
12 **BE INTERCONNECTED AND INTEROPERABLE, AS DETERMINED BY THE BOARD; AND**

13 **[(2)] (3)** may be based on any other factor that the Board determines is
14 appropriate, including population and area served by 9-1-1 systems.

15 **(D) THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION**
16 **(B)(14) OF THIS SECTION SHALL INCLUDE PROCEDURES FOR:**

17 **(1) THE SECURITY OF THE RECORDS;**

18 **(2) THE ESTABLISHMENT AND REVISION, IN ACCORDANCE WITH THE**
19 **REGULATIONS, OF RECORD RETENTION AND DISPOSAL SCHEDULES TO ENSURE THE**
20 **PROMPT AND ORDERLY DISPOSITION OF RECORDS, INCLUDING ELECTRONIC**
21 **RECORDS, THAT ARE NO LONGER NEEDED FOR OPERATION; AND**

22 **(3) THE MAINTENANCE OF INVENTORIES OF RECORDS SERIES THAT**
23 **ARE ACCURATE AND COMPLETE.**

24 **(E) THE BOARD SHALL:**

25 **(1) ESTABLISH MINIMUM STANDARDS FOR 9-1-1 SYSTEMS,**
26 **ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES THAT ENSURE**
27 **IMPROVED ACCESS FOR INDIVIDUALS WITH DISABILITIES AND INDIVIDUALS WHO**
28 **USE ASSISTIVE TECHNOLOGIES, INCLUDING MANDATORY CONNECTIVITY**
29 **REQUIREMENTS FOR CORE SERVICE PROVIDERS FOR NEXT GENERATION 9-1-1**
30 **SERVICES TO DEVICE-BASED AND CLOUD-BASED DATA REPOSITORIES; AND**

1 **(2) UPDATE THE STANDARDS ADOPTED IN ACCORDANCE WITH ITEM**
 2 **(1) OF THIS SUBSECTION BASED ON AVAILABLE TECHNOLOGY AND EQUIPMENT.**

3 1–307.

4 (a) The Board shall submit an annual report to the Governor, the Secretary, and,
 5 subject to § 2–1246 of the State Government Article, the Legislative Policy Committee.

6 (b) The report shall provide the following information for each county:

7 (1) the type of 9–1–1 system currently operating in the county;

8 (2) the total 9–1–1 fee and additional charge charged;

9 (3) the funding formula in effect;

10 (4) any statutory or regulatory violation by the county and the response of
 11 the Board;

12 (5) any efforts to establish an enhanced 9–1–1 system in the county; and

13 (6) any suggested changes to this subtitle.

14 1–308.

15 (a) There is a 9–1–1 Trust Fund.

16 (b) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 17 **SUBSECTION AND SUBJECT TO § 1–309.1 OF THIS SUBTITLE, THE** purposes of the
 18 9–1–1 Trust Fund are to:

19 **[(1)] (I)** reimburse counties for the cost of enhancing a 9–1–1 system;

20 **[(2)] (II)** pay contractors in accordance with § 1–306(b)(12) of this subtitle;

21 and

22 **[(3)] (III)** fund the coordinator position and staff to handle the increased
 23 duties related to wireless enhanced 9–1–1 service under § 1–305 of this subtitle, as an
 24 administrative cost.

25 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND**
 26 **BEGINNING JANUARY 1, 2020, IN ADDITION TO THE PURPOSES DESCRIBED UNDER**
 27 **PARAGRAPH (1) OF THIS SUBSECTION, THE PURPOSES OF THE 9–1–1 TRUST FUND**
 28 **INCLUDE:**

1 **(I) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1**
2 **SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES,**
3 **INCLUDING:**

4 **1. EQUIPMENT AND SOFTWARE UTILIZED DIRECTLY FOR**
5 **PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING POINT;**

6 **2. PROTOCOL SYSTEMS AND SOFTWARE UTILIZED**
7 **DIRECTLY FOR PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING**
8 **POINT;**

9 **3. INTERPRETATION SERVICES PROVIDED FOR A PUBLIC**
10 **SAFETY ANSWERING POINT;**

11 **4. SERVICES PROVIDED FOR A PUBLIC SAFETY**
12 **ANSWERING POINT TO ENSURE IMPROVED ACCESS TO INDIVIDUALS WITH**
13 **DISABILITIES AND OTHER INDIVIDUALS WHO USE ASSISTIVE TECHNOLOGY; AND**

14 **5. VOICE, DATA, AND CALL LOG RECORDERS UTILIZED**
15 **TO CAPTURE INFORMATION FROM 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND**
16 **NEXT GENERATION 9-1-1 SERVICES;**

17 **(II) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1**
18 **SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES**
19 **CONNECTIVITY AND INFRASTRUCTURE EQUIPMENT, INCLUDING:**

20 **1. AUTOMATIC NUMBER AND LOCATION**
21 **IDENTIFICATION; AND**

22 **2. PRIMARY RATE INTERFACE AND SESSION**
23 **INITIATION PROTOCOL TRUNKING FOR 10-DIGIT EMERGENCY AND**
24 **NONEMERGENCY LINES;**

25 **(III) FUNDING GEOGRAPHICAL INFORMATION SYSTEMS**
26 **HARDWARE, SOFTWARE, DATA DEVELOPMENT, AND DATA MANAGEMENT COSTS**
27 **INCURRED FOR THE EFFECTIVE OPERATION OF 9-1-1 SYSTEMS, ENHANCED 9-1-1**
28 **SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES, INCLUDING:**

29 **1. MAPPING EQUIPMENT;**

30 **2. INTERFACES TO COMPUTER-AIDED DISPATCH; AND**

1 **3. GEOGRAPHICAL INFORMATION SYSTEMS BASE LAYER**
2 **DEVELOPMENT AND MANAGEMENT;**

3 **(IV) FUNDING PUBLIC SAFETY ANSWERING POINT FACILITIES**
4 **COSTS, INCLUDING ACCESS CONTROL, SECURITY SYSTEMS, AND STANDBY POWER;**

5 **(V) FUNDING COSTS FOR PUBLIC EDUCATION MATERIALS;**

6 **(VI) FUNDING THE TRAINING OF COUNTY PERSONNEL WORKING**
7 **IN OR DIRECTLY SUPPORTING A PUBLIC SAFETY ANSWERING POINT;**

8 **(VII) FUNDING THE PROVISION OF TUITION REIMBURSEMENT**
9 **FOR 9-1-1 SPECIALISTS FOR EDUCATIONAL PROGRAMS RELATED TO THE 9-1-1**
10 **SPECIALIST CAREER FIELD; AND**

11 **(VIII) FUNDING COSTS TO MAINTAIN THE CYBERSECURITY OF**
12 **9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1**
13 **SERVICES.**

14 **(3) FUNDING ALLOCATED IN ACCORDANCE WITH PARAGRAPH (2) OF**
15 **THIS SUBSECTION MAY NOT BE UTILIZED FOR THE PAYMENT OF THE SALARY OF**
16 **PUBLIC SAFETY ANSWERING POINT PERSONNEL OR COUNTY PERSONNEL.**

17 (c) The 9-1-1 Trust Fund consists of:

18 (1) money from the 9-1-1 fee collected and remitted to the Comptroller
19 under § 1-310 of this subtitle;

20 (2) money from the additional charge collected and remitted to the
21 Comptroller under § 1-311 of this subtitle;

22 (3) money from the prepaid wireless E 9-1-1 fee collected and remitted to
23 the Comptroller under § 1-313 of this subtitle; and

24 (4) investment earnings of the 9-1-1 Trust Fund.

25 (d) Money in the 9-1-1 Trust Fund shall be held in the State Treasury.

26 (e) The Secretary shall administer the 9-1-1 Trust Fund, subject to the
27 guidelines for financial management and budgeting established by the Department of
28 Budget and Management.

29 (f) The Secretary shall direct the Comptroller to establish separate accounts in
30 the 9-1-1 Trust Fund for the payment of administrative expenses and for each county.

1 (g) (1) Any investment earnings shall be credited to the 9–1–1 Trust Fund.

2 (2) The Comptroller shall allocate the investment income among the
3 accounts in the 9–1–1 Trust Fund, prorated on the basis of the total fees collected in each
4 county.

5 1–309.

6 (a) On recommendation of the Board, each year the Secretary shall request an
7 appropriation from the 9–1–1 Trust Fund in an amount sufficient to:

8 (1) carry out the purposes of this subtitle;

9 (2) pay the administrative costs chargeable to the 9–1–1 Trust Fund; and

10 (3) reimburse counties for the cost of enhancing a 9–1–1 system.

11 (b) (1) Subject to the limitations under subsection (e) of this section, the
12 Comptroller shall disburse the money in the 9–1–1 Trust Fund as provided in this
13 subsection.

14 (2) Each July 1, the Comptroller shall allocate sufficient money from the
15 9–1–1 fee to pay the costs of administering the 9–1–1 Trust Fund.

16 (3) As directed by the Secretary and in accordance with the State budget,
17 the Comptroller, from the appropriate account, shall:

18 (i) reimburse counties for the cost of enhancing a 9–1–1 system;
19 [and]

20 (ii) pay contractors in accordance with § 1–306(b)(12) of this subtitle;
21 AND

22 **(III) PAY THE COSTS ASSOCIATED WITH MAINTENANCE,**
23 **OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH §**
24 **1–308(B) OF THIS SUBTITLE.**

25 (4) (i) The Comptroller shall pay to each county from its account the
26 money requested by the county to pay the maintenance and operation costs of the county's
27 9–1–1 system in accordance with the State budget.

28 (ii) The Comptroller shall pay the money for maintenance and
29 operation costs on September 30, December 31, March 31, and June 30 of each year.

30 (c) (1) Money accruing to the 9–1–1 Trust Fund may be used as provided in
31 this subsection.

1 (2) Money collected from the 9-1-1 fee may be used **ONLY** to:

2 (I) **PAY THE ADMINISTRATIVE COSTS CHARGEABLE TO THE**
3 **9-1-1 TRUST FUND;**

4 [(i)] (II) reimburse counties for the cost of enhancing a 9-1-1
5 system; [and]

6 [(ii)] (III) pay contractors in accordance with § 1-306(b)(12) of this
7 subtitle; **AND**

8 (IV) **PAY THE COSTS ASSOCIATED WITH MAINTENANCE,**
9 **OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH §**
10 **1-308(B) OF THIS SUBTITLE.**

11 (3) Money collected from the additional charge may be used by the counties
12 **ONLY** for the maintenance and operation costs of the 9-1-1 system.

13 (4) Money collected from the prepaid wireless E 9-1-1 fee [may] **SHALL** be
14 used as follows:

15 (i) 25% for the same purpose as the 9-1-1 fee under paragraph (2)
16 of this subsection; and

17 (ii) 75% for the same purpose as the additional charge under
18 paragraph (3) of this subsection, prorated on the basis of the total fees collected in each
19 county.

20 (d) (1) Reimbursement may be made only to the extent that county money was
21 used to enhance the 9-1-1 system.

22 (2) Reimbursement for the enhancement of 9-1-1 systems shall include
23 the installation of equipment for automatic number identification, automatic location
24 identification, and other technological advancements that the Board requires.

25 (3) Reimbursement from money collected from the 9-1-1 fee may be used
26 only for 9-1-1 system enhancements approved by the Board.

27 (e) (1) The Board may direct the Comptroller to withhold from a county money
28 for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the
29 Board.

30 (2) (i) The Board shall state publicly in writing its reason for
31 withholding money from a county and shall record its reason in the minutes of the Board.

1 (ii) On reaching its decision to withhold money, the Board shall
2 notify the county.

3 (iii) The county has 30 days after the date of notification to respond
4 in writing to the Board.

5 (3) (i) On notification by the Board, the Comptroller shall hold money
6 for the county in the county's account in the 9-1-1 Trust Fund.

7 (ii) Money held by the Comptroller under subparagraph (i) of this
8 paragraph does not accrue interest for the county.

9 (iii) Interest income earned on money held by the Comptroller under
10 subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.

11 (4) County money withheld by the Comptroller shall be withheld until the
12 Board directs the Comptroller to release the money.

13 (f) (1) The Legislative Auditor may conduct fiscal/compliance audits of the
14 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of this
15 subtitle.

16 (2) The cost of the fiscal portion of the audits shall be paid from the 9-1-1
17 Trust Fund as an administrative cost.

18 **1-309.1.**

19 (A) **IN CONSULTATION WITH THE MARYLAND CYBERSECURITY COUNCIL**
20 **ESTABLISHED UNDER § 9-2901 OF THE STATE GOVERNMENT ARTICLE, THE BOARD**
21 **SHALL ESTABLISH CYBERSECURITY STANDARDS FOR PUBLIC SAFETY ANSWERING**
22 **POINTS BASED ON NATIONAL INDUSTRY AND 9-1-1 SYSTEM TRADE ASSOCIATION**
23 **BEST PRACTICES, INCLUDING STANDARDS CONCERNING RESPONSE PROTOCOLS IN**
24 **THE EVENT OF A CYBERSECURITY ATTACK ON A PUBLIC SAFETY ANSWERING POINT.**

25 (B) **AT LEAST ONCE EACH YEAR ON A DATE DETERMINED BY THE BOARD**
26 **AND IN ADVANCE OF SUBMITTING A REQUEST FOR OR RECEIVING ANY MONEY FROM**
27 **THE 9-1-1 TRUST FUND, THE DIRECTOR OF EACH PUBLIC SAFETY ANSWERING**
28 **POINT SHALL EXAMINE THE CYBERSECURITY OF THE PUBLIC SAFETY ANSWERING**
29 **POINT TO DETERMINE WHETHER THE CYBERSECURITY DEFENSES EMPLOYED BY**
30 **THE PUBLIC SAFETY ANSWERING POINT SATISFY THE STANDARDS ESTABLISHED BY**
31 **THE BOARD UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT TO THE BOARD**
32 **A REPORT DETAILING THE RESULTS OF THAT EXERCISE.**

33 (C) **IF A DIRECTOR OF A PUBLIC SAFETY ANSWERING POINT FAILS TO**
34 **SUBMIT A REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE**

1 **BOARD MAY NOT AUTHORIZE ANY MONEY FROM THE 9-1-1 TRUST FUND TO BE PAID**
2 **TO A COUNTY SERVICED BY THE PUBLIC SAFETY ANSWERING POINT UNTIL THAT**
3 **REPORT HAS BEEN SUBMITTED.**

4 1-310.

5 (a) This section does not apply to prepaid wireless telecommunications service.

6 (b) Each subscriber to switch local exchange access service or CMRS or other
7 9-1-1-accessible service shall pay a 9-1-1 fee.

8 (c) (1) [The] **SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS**
9 **SUBSECTION, THE 9-1-1 fee is [25] 50 cents per month FOR EACH TELEPHONE**
10 **SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE PROVIDED, payable when**
11 **the bill for [the telephone service or CMRS or other 9-1-1-accessible service] THE**
12 **SERVICE is due.**

13 (2) **EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS**
14 **SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR**
15 **PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE SIMULTANEOUS**
16 **OUTBOUND CALL FROM AN EXCHANGE ACCESS FACILITY, EACH SEPARATE**
17 **OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY,**
18 **SHALL CONSTITUTE A SEPARATE TELEPHONE SERVICE FOR PURPOSES OF**
19 **CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

20 (3) **A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE**
21 **MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF**
22 **CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

23 (4) (i) **FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE**
24 **LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY**
25 **CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES, THE VOICE CHANNEL**
26 **CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS**
27 **SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE CHANNEL**
28 **CAPACITY IN THE STATE IDENTIFIED BY THE SERVICE SUPPLIER'S BOOKS AND**
29 **RECORDS.**

30 (ii) **IN DETERMINING THE PORTION OF SHARED CAPACITY IN**
31 **THE STATE, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A**
32 **CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN**
33 **THE STATE, WHICH MAY BE BASED ON:**

34 1. **EACH END USER LOCATION;**

1 privileged, and proprietary and may not be disclosed to any person other than the CMRS
2 provider.

3 (f) Notwithstanding any other provision of this subtitle, the 9-1-1 fee does not
4 apply to an intermediate service line used exclusively to connect a CMRS or other
5 9-1-1-accessible service, other than a switched local access service, to another telephone
6 system or switching device.

7 (g) A CMRS provider that pays or collects 9-1-1 fees under this section has the
8 same immunity from liability for transmission failures as that approved by the Public
9 Service Commission for local exchange telephone companies that are subject to regulation
10 by the Commission under the Public Utilities Article.

11 1-311.

12 (a) This section does not apply to prepaid wireless telecommunications service.

13 (b) In addition to the 9-1-1 fee, the governing body of each county, by ordinance
14 or resolution enacted or adopted after a public hearing, may impose an additional charge
15 to be added to all current bills rendered for switched local exchange access service or CMRS
16 or other 9-1-1-accessible service in the county.

17 (c) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
18 **SUBSECTION AND SUBJECT TO PARAGRAPHS (3) THROUGH (5) OF THIS SUBSECTION,**
19 **THE additional charge imposed by a county may not exceed 75 cents per month [per bill]**
20 **FOR EACH TELEPHONE SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE**
21 **PROVIDED.**

22 (2) **IF REVENUES ATTRIBUTABLE TO THE ADDITIONAL CHARGE FOR A**
23 **FISCAL YEAR DO NOT PROVIDE THE REVENUES NECESSARY TO COVER A COUNTY'S**
24 **OPERATIONAL COSTS FOR THE 9-1-1 SYSTEM FOR THAT FISCAL YEAR, THE COUNTY**
25 **MAY, FOR THE FOLLOWING FISCAL YEAR, IMPOSE AN ADDITIONAL CHARGE NOT**
26 **EXCEEDING \$1.50 PER MONTH FOR EACH TELEPHONE SERVICE, CMRS, OR OTHER**
27 **9-1-1-ACCESSIBLE SERVICE PROVIDED.**

28 (3) **EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS**
29 **SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR**
30 **PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE SIMULTANEOUS**
31 **OUTBOUND CALL FROM AN EXCHANGE ACCESS FACILITY, EACH SEPARATE**
32 **OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY,**
33 **SHALL CONSTITUTE A SEPARATE TELEPHONE SERVICE FOR PURPOSES OF**
34 **CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF**
35 **THIS SUBSECTION.**

1 **(4) A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE**
2 **MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF**
3 **CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF**
4 **THIS SUBSECTION.**

5 **(5) (I) FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE**
6 **LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY**
7 **CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES OR COUNTIES, THE**
8 **VOICE CHANNEL CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPHS (1)**
9 **AND (2) OF THIS SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE**
10 **CHANNEL CAPACITY IN THE COUNTY IDENTIFIED BY THE SERVICE SUPPLIER'S**
11 **BOOKS AND RECORDS.**

12 **(II) IN DETERMINING THE PORTION OF SHARED CAPACITY IN**
13 **THE COUNTY, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A**
14 **CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN**
15 **THE COUNTY, WHICH MAY BE BASED ON:**

- 16 **1. EACH END USER LOCATION;**
- 17 **2. THE TOTAL NUMBER OF END USERS; AND**
- 18 **3. THE NUMBER OF END USERS AT EACH END USER**
19 **LOCATION.**

20 **[(2)] (6)** The amount of the additional charges may not exceed a level
21 necessary to cover the total eligible maintenance and operation costs of the county.

22 (d) The additional charge continues in effect until repealed or modified by a
23 subsequent county ordinance or resolution.

24 (e) After imposing, repealing, or modifying an additional charge, the county shall
25 certify the amount of the additional charge to the Public Service Commission.

26 (f) The Public Service Commission shall direct each telephone company that
27 provides service in a county that imposed an additional charge to add, within 60 days, the
28 full amount of the additional charge to all current bills rendered for switched local exchange
29 access service in the county.

30 (g) Within 60 days after a county enacts or adopts an ordinance or resolution that
31 imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier that provides
32 service in the county shall add the full amount of the additional charge to all current bills
33 rendered for CMRS or other 9-1-1-accessible service in the county.

34 (h) (1) Each telephone company and each 9-1-1 service carrier shall:

1 (i) act as a collection agent for the 9-1-1 Trust Fund with respect
2 to the additional charge imposed by each county;

3 (ii) collect the money from the additional charge on a county basis;
4 and

5 (iii) remit all money collected to the Comptroller on a monthly basis.

6 (2) The Comptroller shall deposit the money remitted in the 9-1-1 Trust
7 Fund account maintained for the county that imposed the additional charge.

8 1-312.

9 (a) During each county's fiscal year, the county may spend the amounts
10 distributed to it from 9-1-1 fee collections for the installation, enhancement, maintenance,
11 and operation of a county or multicounty 9-1-1 system.

12 (b) Subject to the provisions of subsection (c) of this section, maintenance and
13 operation costs may include telephone company charges, equipment costs, equipment lease
14 charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous
15 years.

16 (c) During a year in which a county raises its local additional charge under §
17 1-311 of this subtitle, the county:

18 (1) may use 9-1-1 trust funds only to supplement levels of spending by the
19 county for 9-1-1 maintenance or operations; and

20 (2) may not use 9-1-1 trust funds to supplant spending by the county for
21 9-1-1 maintenance or operations.

22 (d) The Board shall provide for an audit of each county's expenditures for the
23 maintenance and operation of the county's 9-1-1 system.

24 (e) (1) For a county without an operational Phase II wireless enhanced 9-1-1
25 system within the time frames established by the Board under § 1-306(b)(6) of this subtitle,
26 the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

27 (i) the money collected from the additional charge and distributed
28 to the county is expended during the county's fiscal year as follows:

29 1. for a 9-1-1 system in a county or a multicounty area with
30 a population of 100,000 individuals or less, a maximum of 85% may be spent for personnel
31 costs; and

1 2. for a 9-1-1 system in a county or multicounty area with a
2 population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs;
3 and

4 (ii) the total amount collected from the 9-1-1 fee and the additional
5 charge shall be expended only for the installation, enhancement, maintenance, and
6 operation of a county or multicounty system.

7 (2) The Board may grant an exception to the provisions of paragraph (1) of
8 this subsection in extenuating circumstances.

9 (3) A county with an operational Phase II wireless enhanced 9-1-1 system
10 is exempt from the provisions of paragraph (1) of this subsection.

11 **1-315.**

12 **AN EMERGENCY SERVICES INTERNET PROTOCOL NETWORK PROVIDER AND A**
13 **CORE SERVICE PROVIDER OF NEXT GENERATION 9-1-1 SERVICES HAVE THE SAME**
14 **IMMUNITY FROM LIABILITY FOR TRANSMISSION FAILURES AS THAT APPROVED BY**
15 **THE PUBLIC SERVICE COMMISSION FOR LOCAL EXCHANGE TELEPHONE**
16 **COMPANIES, OR FOR A PROVIDER OF TELECOMMUNICATIONS SERVICES THROUGH**
17 **EVOLVING TECHNOLOGY, THAT ARE SUBJECT TO REGULATION BY THE COMMISSION**
18 **UNDER THE PUBLIC UTILITIES ARTICLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That, for State operating budgets
20 beginning with fiscal 2020, the Governor shall provide a plan for repayment to the 9-1-1
21 Trust Fund any monies transferred from the 9-1-1 Trust Fund under budget reconciliation
22 and financing legislation or by other means that would result in the use of the monies for
23 a purpose other than the original intended use.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2019.