

Chapter 738

(House Bill 1348)

AN ACT concerning

**Public Safety – Markell Hendricks Youth Crime Prevention and Diversion
Parole Fund – Establishment**

FOR the purpose of establishing the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund as a special, nonlapsing fund; specifying the purpose, use, and contents of the Fund; requiring the Executive Director of the Governor’s Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund separately and the Comptroller, in conjunction with the Executive Director, to account for the Fund; requiring the Governor to appropriate annually a certain amount for the Fund; providing for the investment of money in and expenditures from the Fund; providing that expenditures from the Fund may be made only in accordance with the State budget; providing that the accounts and transactions of the Fund shall be subject to a certain audit; requiring the Executive Director to establish certain procedures for the disbursement of money from the Fund and, subject to a certain priority, award grants from the Fund; requiring that an applicant provide the Executive Director with certain information; specifying that money distributed from the Fund shall be used to supplement, and not supplant, certain other funding; defining certain terms; and generally relating to the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund.

BY adding to

Article – Public Safety

Section 4–1201 through 4–1203 to be under the new subtitle “Subtitle 12. Markell Hendricks Youth Crime Prevention and Diversion Parole Fund”Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)112. and 113.

Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)114.
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

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

Article – Public Safety

**SUBTITLE 12. MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION
 PAROLE FUND.**

4–1201.

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

(B) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(C) “FUND” MEANS THE MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION PAROLE FUND.

(D) “LOCAL LAW ENFORCEMENT AGENCY” MEANS A POLICE DEPARTMENT OF A COUNTY OR MUNICIPALITY.

(E) “OFFENDER” HAS THE MEANING INDICATED IN § 6–101 OF THE CORRECTIONAL SERVICES ARTICLE.

4–1202.

(A) THERE IS A MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION PAROLE FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES TO ~~POLICE-HIGH-CRIME-AREAS~~ ADMINISTER:

(1) A DIVERSION PROGRAM UNDER § 3–8A–10(M)(2) OF THE COURTS ARTICLE; OR

(2) A YOUTH ENGAGEMENT PROGRAM OR EVENT IN A HIGH-CRIME AREA.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

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

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

(E) (1) THE FUND CONSISTS OF:

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

(II) INVESTMENT EARNINGS OF THE FUND; AND

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

(2) THE GOVERNOR SHALL APPROPRIATE ANNUALLY AT LEAST ~~\$500,000~~ ~~\$100,000~~ \$50,000 FOR THE FUND.

(F) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES ~~TO POLICE HIGH CRIME AREAS~~ FOR THE PURPOSES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

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

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

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

4-1203.

(A) (1) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND.

(2) A LOCAL LAW ENFORCEMENT AGENCY THAT APPLIES FOR A GRANT FROM THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY INFORMATION THE EXECUTIVE DIRECTOR DEEMS NECESSARY.

(B) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE FUND TO LOCAL LAW ENFORCEMENT AGENCIES WITH PRIORITY GIVEN TO THOSE JURISDICTIONS WITH THE HIGHEST NUMBER OF OFFENDERS.

(C) MONEY DISBURSED FROM THE FUND SHALL BE USED TO SUPPLEMENT, AND NOT SUPPLANT, ANY OTHER FUNDING THAT WOULD OTHERWISE BE AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES.

Article – State Finance and Procurement

6–226.

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

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

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

114. THE MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION PAROLE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.