

(PRE-FILED)

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**By: Delegates Elliott and Brinkley**

Requested: August 21, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

2 **State Police - Equipment for Local Law Enforcement**

3 FOR the purpose of requiring that, whenever the State Police agrees to function as a  
 4 local police force in a county or municipality, ~~all vehicles and other equipment used~~  
 5 ~~for law enforcement shall be the property of the county or municipality that was a~~  
 6 ~~participant in the agreement and may not revert to the State if the agreement is~~  
 7 ~~terminated and the agreement between the State Police and county or municipality~~  
 8 is terminated, the value of certain equipment shall be depreciated in accordance  
 9 with a specified schedule and the Department of State Police shall reimburse the  
 10 county or municipality for the depreciated value; providing that if the State Police  
 11 assign a certain number of police employees to a county or municipality, the county  
 12 or municipality must give certain notice to the Department of State Police, and the  
 13 number of employees assigned shall be phased out over a specified period, if the  
 14 county or municipality desires to terminate the agreement; authorizing the  
 15 Department of State Police and a county or municipality to modify the manner  
 16 services are terminated under the agreement; defining a certain term; and generally  
 17 relating to the Department of State Police and the Resident Trooper Program.

18 BY repealing and reenacting, with amendments,

19 Article 88B - Department of State Police

20 Section 63

21 Annotated Code of Maryland

22 (1995 Replacement Volume and 1996 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 88B - Department of State Police**

2 63.

3 (a) A Local Division is created in the Department, with the powers, duties,  
4 functions, and employees provided in this subtitle.

5 (b) The board of county commissioners or county council of any county, or the  
6 Mayor and City Council of the City of Baltimore, and the Secretary may conclude an  
7 agreement that the Department act as and take over all or a portion of the functions of a  
8 local police force for the county, or municipality. Local governing bodies are hereby  
9 authorized and empowered to enter into such contractual agreements with municipalities  
10 located therein for the participation of the municipalities in the contractual agreements  
11 entered into by the local governing bodies and the Department. In Charles and St. Mary's  
12 Counties municipalities also may enter into separate contractual agreements with the  
13 Department.

14 (c) Under any such agreement, the Department within the county shall enforce  
15 the public local laws of the county or municipality and perform related police services, in  
16 addition to its other and regular duties therein. For this purpose the Department shall  
17 provide such employees, buildings, and facilities as may be required by the agreement or,  
18 if not so required, as may be reasonable and proper in the discretion of the Department  
19 to perform the objects of the agreement.

20 (d) Every agreement shall provide that the reasonable and proper cost of the  
21 Local Division, for and within the particular county be determined by the Secretary and  
22 that the county or municipality shall reimburse the Department an amount equal to 100%  
23 of the cost so determined. The agreement further shall provide for the time and manner  
24 of payments by the county or municipality to the Department to pay this obligation.

25 (e) Every agreement requires the prior approval of the Office of the Attorney  
26 General as to legal sufficiency. Financial arrangements in every agreement require the  
27 prior approval of the Secretary of Budget and Management.

28 (f) The Department may have and provide such employees, buildings, equipment,  
29 facilities, and other operating materials for the Local Division as may be provided in the  
30 State budget from time to time.

31 (g) The employees in the Local Division from time to time shall be provided as an  
32 addition to the regular number of employees.

33 (h) For the purposes of this section, the word "county" shall include the City of  
34 Baltimore.

35 (I) (1) IN THIS SUBSECTION, "EQUIPMENT" MEANS A MOTOR VEHICLE,  
36 RADIO, OR LIGHT BAR.

37 (2) IF AN AGREEMENT UNDER THIS SECTION IS TERMINATED, ALL  
38 VEHICLES AND OTHER THE VALUE OF EQUIPMENT USED FOR LAW ENFORCEMENT  
39 PAID FOR BY A COUNTY OR MUNICIPAL CORPORATION PURSUANT TO THE  
40 AGREEMENT SHALL BE THE PROPERTY OF THE COUNTY OR MUNICIPALITY THAT  
41 WAS A PARTICIPANT IN THE AGREEMENT AND MAY NOT REVERT TO THE STATE

3  
1 DEPRECIATED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION AND  
2 THE DEPARTMENT SHALL REIMBURSE THE COUNTY OR MUNICIPAL CORPORATION  
3 FOR THE DEPRECIATED VALUE OF THE EQUIPMENT.

4 (3) THE VALUE OF EQUIPMENT SHALL BE DEPRECIATED OVER A  
5 5-YEAR PERIOD FROM THE DATE THE EQUIPMENT WAS PUT IN SERVICE AS  
6 FOLLOWS:

7 (I) AFTER 1 YEAR, THE EQUIPMENT SHALL BE VALUED AT 80% OF  
8 ITS INITIAL COST;

9 (II) AFTER 2 YEARS, THE EQUIPMENT SHALL BE VALUED AT 60% OF  
10 ITS INITIAL COST;

11 (III) AFTER 3 YEARS, THE EQUIPMENT SHALL BE VALUED AT 40% OF  
12 ITS INITIAL COST;

13 (IV) AFTER 4 YEARS, THE EQUIPMENT SHALL BE VALUED AT 20% OF  
14 ITS INITIAL COST; AND

15 (V) AFTER 5 YEARS, THE EQUIPMENT SHALL BE CONSIDERED TO  
16 HAVE NO REMAINING VALUE FOR PURPOSES OF THIS SUBSECTION.

17 (J) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF EIGHT OR  
18 MORE POLICE EMPLOYEES ARE ASSIGNED TO A COUNTY OR MUNICIPAL  
19 CORPORATION PURSUANT TO AN AGREEMENT UNDER THIS SECTION:

20 (I) THE COUNTY OR MUNICIPAL CORPORATION SHALL GIVE THE  
21 DEPARTMENT AT LEAST 5 YEARS' NOTICE IF THE COUNTY OR MUNICIPAL  
22 CORPORATION DECIDES TO TERMINATE SERVICES PROVIDED UNDER THE  
23 AGREEMENT; AND

24 (II) THE NUMBER OF POLICE EMPLOYEES ASSIGNED PURSUANT TO  
25 THE AGREEMENT SHALL BE PHASED OUT OVER 5 YEARS.

26 (2) THE DEPARTMENT AND COUNTY OR MUNICIPAL CORPORATION  
27 MAY MODIFY THE MANNER THAT SERVICES ARE TERMINATED UNDER THE  
28 PROVISIONS OF THE AGREEMENT.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 1997.