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By: Delegates Minnick, Boston, Campbell, McIntosh, and Rosenberg (Baltimore County Administration and Baltimore City Administration), and Delegate Dembrow

Introduced and read first time: January 23, 1997

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1997

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Theft Prevention Council and Vehicle Theft Prevention Fund - Transfer to the**
3 **Department of State Police and ~~Repeal~~ Extension of Termination Date**

4 FOR the purpose of transferring the Vehicle Theft Prevention Council and the Vehicle
5 Theft Prevention Fund from the Department of Public Safety and Correctional
6 Services to the Department of State Police; ~~repealing~~ extending the termination
7 date of the Act that established the Vehicle Theft Prevention Council and the
8 Vehicle Theft Prevention Fund; and generally relating to the Vehicle Theft
9 Prevention Council and the Vehicle Theft Prevention Fund.

10 BY transferring

11 Article 41 - Governor - Executive and Administrative Departments
12 Section 4-1601 through 4-1605, respectively, and the subtitle "Subtitle 16. Vehicle
13 Theft Prevention Council and Vehicle Theft Prevention Fund"
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1996 Supplement)

16 to be

17 Article 88B - Department of State Police
18 Section 71 through 75, respectively, and the subtitle "Vehicle Theft Prevention
19 Council and Vehicle Theft Prevention Fund"
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article 41 - Governor - Executive and Administrative Departments
24 Section 4-102(a)

2

1 Annotated Code of Maryland
2 (1993 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article 88B - Department of State Police
5 Section 72(a) and (b) and 73(b)
6 Annotated Code of Maryland
7 (1995 Replacement Volume and 1996 Supplement)
8 (As enacted by Section 1 of this Act)

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 13-507(a)(3)(ii) and 17-106(e)(2)(ii)
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,
15 Chapter 459 of the Acts of the General Assembly of 1994
16 Section 4

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That Section(s) 4-1601 through 4-1605, respectively, and the subtitle
19 "Subtitle 16. Vehicle Theft Prevention Council and Vehicle Theft Prevention Fund" of
20 Article 41 - Governor - Executive and Administrative Departments of the Annotated
21 Code of Maryland be transferred to be Section(s) 71 through 75, respectively, and the
22 subtitle "Vehicle Theft Prevention Council and Vehicle Theft Prevention Fund" of
23 Article 88B - Department of State Police of the Annotated Code of Maryland.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article 41 - Governor - Executive and Administrative Departments**

27 4-102.

28 (a) The following departments, agencies, boards, commissions, offices, divisions,
29 and units of the State government are included within the Department of Public Safety
30 and Correctional Services: the Criminal Injuries Compensation Board, the Division of
31 Correction established pursuant to § 4-105 of this article, the Patuxent Institution, the
32 Board of Review for Patuxent Institution, the State Fire Prevention Commission, the
33 office of State Fire Marshal, the Police Training Commission, the Maryland Parole
34 Commission, the Division of Parole and Probation established pursuant to § 4-105 of this
35 article, the Sundry Claims Board, the Division of Pretrial Detention and Services, [the
36 Vehicle Theft Prevention Council established pursuant to Subtitle 16 of this title,] and
37 such other agencies, boards, commissions, councils, offices, or units of government as may
38 hereafter pursuant to law be declared to be part of the Department of Public Safety and
39 Correctional Services.

3

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

2 Vehicle Theft Prevention Council and Vehicle Theft Prevention Fund

3 72.

4 (a) There is a Vehicle Theft Prevention Council within the Department of
5 [Public Safety and Correctional Services] STATE POLICE.

6 (b) The Council shall consist of the following 13 members appointed by the
7 Governor:

8 (1) As ex officio members of the Council:

9 (i) The Secretary or the Secretary's designee;

10 (ii) The Secretary of Juvenile Justice or the Secretary's designee;

11 (iii) The Secretary of [the State Police] PUBLIC SAFETY AND
12 CORRECTIONAL SERVICES or the Secretary's designee; and

13 (iv) The Administrator of the Maryland Motor Vehicle
14 Administration; and

15 (2) As regular members of the Council:

16 (i) One representative of a local law enforcement authority;

17 (ii) One representative of a Maryland State's Attorney's office;

18 (iii) Two representatives of insurers that issue private passenger
19 automobile or commercial motor vehicle liability insurance in the State, of which:

20 1. One shall be a domestic insurer; and

21 2. One shall be a foreign insurer;

22 (iv) One representative of the Governor's Office;

23 (v) One representative of the National Insurance Crime Bureau or
24 similar organization; and

25 (vi) Three representatives of the general public, of which one shall be
26 a representative of a neighborhood or community association.

27 73.

28 (b) The Council shall have the following powers and duties:

29 (1) To make grants and awards from the Fund for motor vehicle theft
30 intervention programs, as provided in [§ 4-1604] § 74 of this subtitle;

31 (2) To solicit and accept funds, for deposit to the Fund, to be used to carry
32 out the purposes of this subtitle;

4

1 (3) To establish or assist in the establishment of programs designed to
2 reduce the incidence of vehicle thefts and related crimes;

3 (4) To identify priorities for theft prevention strategies in the State and
4 criteria for the Council's evaluation of recipients of assistance from the Council; and

5 (5) To study and propose laws that will further prevent and deter vehicle
6 thefts and related crimes.

7 **Article - Transportation**

8 13-507.

9 (a) (3) (ii) The fees collected under this paragraph shall be paid into the
10 Vehicle Theft Prevention Fund established under [Article 41, § 4-1604] ARTICLE 88B, §
11 74 of the Code.

12 17-106.

13 (e) (2) (ii) The percentage of the penalties specified under subparagraph (i)
14 of this paragraph shall be distributed as follows:

15 1. \$2,000,000 to the Vehicle Theft Prevention Fund established
16 under [Article 41, § 4-1604] ARTICLE 88B, § 74 of the Code;

17 2. The amount distributed to the Maryland Automobile
18 Insurance Fund in the prior fiscal year under the provisions of this subparagraph adjusted
19 by the change for the calendar year preceding the fiscal year in the Consumer Price Index
20 - All Urban Consumers - Medical Care as published by the United States Bureau of
21 Labor Statistics to the Maryland Automobile Insurance Fund; and

22 3. The balance to the General Fund.

23 **Chapter 459 of the Acts of 1994**

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 1994. {It shall remain in effect for a period of ~~three~~ six years and one day and, at
26 the end of July 1, ~~1997~~ 2000, with no further action required by the General Assembly,
27 this Act shall be abrogated and of no further force and effect.}

28 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act affects
29 the term of office of a member of the Vehicle Theft Prevention Council. A person who is
30 a member of the Council on the effective date of this Act shall remain a member for the
31 balance of the term to which appointed, unless the member sooner dies, resigns, or is
32 removed under provisions of law.

33 SECTION 4. AND BE IT FURTHER ENACTED, That, except as otherwise
34 provided by law, all property, including all real and personal property, records, fixtures,
35 appropriations, credits, assets, liabilities, obligations, rights, and privileges, held by the
36 Vehicle Theft Prevention Council of the Department of Public Safety and Correctional
37 Services, on May 31, 1997, shall be transferred to the Department of State Police.

38 SECTION 5. AND BE IT FURTHER ENACTED, That, except as otherwise
39 provided by law, all existing laws, rules and regulations, proposed rules and regulations,

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1 standards and guidelines, policies, orders and other directives, forms, plans,
2 memberships, contracts, property, and administrative responsibilities associated with, and
3 all matters pending before the Vehicle Theft Prevention Council, as of May 31, 1997,
4 shall continue in effect under the Department of State Police, until completed,
5 withdrawn, canceled, modified, or otherwise changed pursuant to law.

6 SECTION 6. AND BE IT FURTHER ENACTED, That all contracts, agreements,
7 grants, or other obligations entered into by the Vehicle Theft Prevention Council, prior to
8 June 1, 1997, are hereby declared to be valid, legal and binding obligations of the
9 Department of State Police, enforceable in accordance with their terms.

10 SECTION 7. AND BE IT FURTHER ENACTED, That:

11 (a) The publishers of the Annotated Code of Maryland, subject to the approval of
12 the Department of Legislative Reference, shall propose the correction of any agency
13 names and titles throughout the Annotated Code that are rendered incorrect by this Act.

14 (b) The Department of Legislative Reference, in conjunction with the publishers
15 of the Annotated Code of Maryland, shall revise the Code to conform it to the transfer of
16 the Vehicle Theft Prevention Council of the Department of Public Safety and
17 Correctional Services to the Department of State Police under this Act, and this statutory
18 revision shall be ratified by passage of the Annual Corrective Bill of 1998.

19 SECTION 3- 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 1997.