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By: **Delegates Getty, Leopold, Weir, Donoghue, Stup, M. Burns, Klima, Ports,  
Baldwin, Mohorovic, Cryor, Jacobs, and Comeau**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Analysis Laboratory System - User Fees**

3 FOR the purpose of establishing a statewide Criminal Analysis Laboratory System;  
4 establishing the membership of the laboratory system; establishing the  
5 Maryland Crime Laboratory Council within the Department of State Police;  
6 establishing the membership of the Council; establishing certain requirements  
7 for the Council; requiring the Council to make an annual report containing  
8 certain information; establishing the Crime Laboratory User Fee Fund;  
9 establishing additional fees for violation of certain laws; establishing how the  
10 fees may be used; authorizing the Comptroller to deposit a certain amount of the  
11 fees into certain funds; defining certain terms; and generally relating to crime  
12 laboratories.

13 BY adding to  
14 Article 27 - Crimes and Punishments  
15 Section 858 through 866, inclusive, to be under the new subheading "Criminal  
16 Analysis Laboratory System"  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1997 Supplement)

19 BY adding to  
20 Article - Transportation  
21 Section 27-101(r)  
22 Annotated Code of Maryland  
23 (1992 Replacement Volume and 1997 Supplement)

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

1 **Article 27 - Crimes and Punishments**2 **CRIMINAL ANALYSIS LABORATORY SYSTEM**

3 858.

4 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "COUNCIL" MEANS THE MARYLAND CRIME LABORATORY COUNCIL.

7 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

8 (D) "FUND" MEANS THE CRIME LABORATORY USER FEE FUND.

9 (E) "LABORATORY SYSTEM" MEANS THE STATEWIDE CRIMINAL ANALYSIS  
10 LABORATORY SYSTEM.

11 859.

12 (A) THE INTENT OF THIS SUBTITLE IS TO CREATE A STATEWIDE CRIMINAL  
13 ANALYSIS LABORATORY SYSTEM TO COORDINATE THE LABORATORY SERVICE NEEDS  
14 OF CRIMINAL JUSTICE AGENCIES IN THE STATE AND PROVIDE FINANCIAL  
15 ASSISTANCE TO THE CRIME LABORATORIES IN THE STATE.16 (B) THERE IS A STATEWIDE CRIMINAL ANALYSIS LABORATORY SYSTEM THAT  
17 IS COMPOSED OF:

18 (1) THE DEPARTMENT'S CRIME LABORATORY;

19 (2) THE CRIME LABORATORIES IN ANNE ARUNDEL, BALTIMORE,  
20 MONTGOMERY, AND PRINCE GEORGE'S COUNTIES AND IN BALTIMORE CITY,  
21 HAGERSTOWN, AND OCEAN CITY; AND22 (3) ANY OTHER LABORATORIES THAT PROVIDE CRIMINAL ANALYSIS  
23 LABORATORY SERVICES TO CRIMINAL JUSTICE AGENCIES IN THE STATE.

24 860.

25 THERE IS A MARYLAND CRIME LABORATORY COUNCIL IN THE DEPARTMENT.

26 861.

27 (A) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

28 (1) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE OF CRIME  
29 CONTROL AND PREVENTION;30 (2) A REPRESENTATIVE OF THE OFFICE OF JUSTICE ASSISTANCE IN THE  
31 UNITED STATES DEPARTMENT OF JUSTICE;

- 1           (3)     THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;
- 2           (4)     THE SECRETARY OF THE DEPARTMENT OR THE SECRETARY'S  
3 DESIGNEE;
- 4           (5)     A REPRESENTATIVE OF THE MARYLAND CORRECTIONAL  
5 ADMINISTRATOR'S ASSOCIATION;
- 6           (6)     A REPRESENTATIVE OF EACH OF THE CRIME LABORATORIES IN THE  
7 LABORATORY SYSTEM, EACH TO BE APPOINTED BY THE HEAD OF THE POLICE  
8 AGENCY THAT ADMINISTERS THAT LABORATORY;
- 9           (7)     A REPRESENTATIVE OF THE STATE'S ATTORNEYS' ASSOCIATION;
- 10          (8)     A REPRESENTATIVE OF THE STATE MEDICAL EXAMINER'S OFFICE  
11 APPOINTED BY THE GOVERNOR; AND
- 12          (9)     A JUDGE APPOINTED BY THE CHIEF JUDGE OF THE COURT OF  
13 APPEALS.
- 14    (B)    (1)     THE TERM OF AN APPOINTED MEMBER IS 4 YEARS AND BEGINS ON  
15 DECEMBER 1, 1999.
- 16          (2)     AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
17 SUCCESSOR IS APPOINTED AND QUALIFIES.
- 18          (3)     A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
19 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
20 QUALIFIES.
- 21 862.
- 22    (A)    THE COUNCIL ANNUALLY SHALL ELECT A CHAIRMAN , VICE CHAIRMAN,  
23 AND OTHER OFFICERS FROM AMONG THE MEMBERS OF THE COUNCIL.
- 24    (B)    THE MANNER OF ELECTION OF OFFICERS SHALL BE AS THE COUNCIL  
25 DETERMINES.
- 26 863.
- 27    (A)    A MAJORITY OF THE MEMBERS OF THE COUNCIL THEN SERVING IS A  
28 QUORUM.
- 29    (B)    THE COUNCIL SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND  
30 PLACES THAT IT DETERMINES.
- 31    (C)    A MEMBER OF THE COUNCIL:
- 32          (1)     MAY NOT RECEIVE COMPENSATION; BUT

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

3 864.

4 (A) THE COUNCIL SHALL:

5 (1) ESTABLISH THE FISCAL AND AUDITING PROCESSES FOR BUDGET  
6 REQUESTS AND STATE FUNDING DISTRIBUTION FOR THE LABORATORY SYSTEM;

7 (2) DEVELOP GUIDELINES AND STANDARDS FOR INCLUSION OF  
8 ADDITIONAL LABORATORIES IN THE LABORATORY SYSTEM;

9 (3) EVALUATE THE FORENSIC SCIENCE TRAINING AND DEVELOPMENT  
10 PROGRAMS THAT ARE PROVIDED BY THE DEPARTMENT;

11 (4) CONSIDER LABORATORY SAFETY AND HEALTH ISSUES;

12 (5) ASSESS THE CRIME LABORATORY SERVICE NEEDS OF STATE AND  
13 LOCAL CRIMINAL JUSTICE AGENCIES AND THE EFFECTIVENESS OF EXISTING  
14 SERVICES;

15 (6) DISTRIBUTE CRIME LABORATORY RESOURCES AND REQUESTS FOR  
16 CRIME LABORATORY SERVICES AS NECESSARY TO MEET EXCEPTIONAL STATE AND  
17 LOCAL SITUATIONS;

18 (7) COLLABORATE WITH AN ADVISORY COMMITTEE OF LEADERS OF THE  
19 LABORATORY SYSTEM IN TECHNICAL AND OPERATIONAL MATTERS OF MUTUAL  
20 CONCERN;

21 (8) OFFER RECOMMENDATIONS FOR LAWS, POLICIES, AND PROCEDURES  
22 TO IMPROVE THE OPERATIONS OF MEMBER LABORATORIES OF THE LABORATORY  
23 SYSTEM;

24 (9) PROMOTE COORDINATION, COOPERATION, AND STANDARDIZATION  
25 IN THE LABORATORY SYSTEM;

26 (10) RECOMMEND STANDARDS OF EDUCATION AND EXPERIENCE FOR  
27 ALL PROFESSIONAL AND TECHNICAL PERSONNEL EMPLOYED IN THE LABORATORY  
28 SYSTEM; AND

29 (11) PROVIDE ADVICE AND MAKE RECOMMENDATIONS TO THE  
30 DEPARTMENT AS NECESSARY TO ENSURE FISCAL ACCOUNTABILITY OF STATE  
31 FUNDING FOR THE LABORATORY SYSTEM AND EFFECTIVE, COORDINATED  
32 OPERATION OF THE LABORATORY SYSTEM.

33 (B) ALL COUNCIL RECOMMENDATIONS SHALL BE SUBMITTED TO THE  
34 DEPARTMENT ON OR BEFORE DECEMBER 15 OF EACH YEAR.

1 865.

2 (A) (1) EACH LABORATORY IN THE LABORATORY SYSTEM SHALL SUBMIT TO  
3 THE DEPARTMENT, ON OR BEFORE OCTOBER 15 OF EACH YEAR, A WRITTEN REPORT  
4 CONTAINING THE FOLLOWING INFORMATION:

5 (I) THE ACTUAL OPERATING COSTS FOR THE PRIOR FISCAL YEAR,  
6 INCLUDING AN ITEMIZATION OF EXPENDITURES;

7 (II) THE OPERATING BUDGET APPROVED BY THE LOCAL  
8 GOVERNMENT FOR THE FISCAL YEAR IN PROGRESS, INCLUDING AN ITEMIZATION OF  
9 EXPENDITURES; AND

10 (III) WORKLOAD DATA INCLUDING THE VOLUME, TYPE, AND  
11 SOURCE OF CASEWORK RECEIVED.

12 (2) THE REPORT SHALL INDICATE THE PART OF OPERATING EXPENSES  
13 THAT ARE FUNDED BY LOCAL OR FEDERAL FUNDS.

14 (B) THE FORM OF THE REPORT SHALL BE ESTABLISHED BY THE DEPARTMENT  
15 BASED ON RECOMMENDATIONS MADE BY THE COUNCIL.

16 866.

17 (A) (1) THERE IS A CRIME LABORATORY USER FEE FUND.

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

20 (3) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER  
21 SHALL ACCOUNT FOR THE FUND.

22 (4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME  
23 MANNER AS OTHER STATE FUNDS.

24 (5) ANY INVESTMENT EARNINGS FOR THE FUND SHALL BE RETAINED  
25 TO THE CREDIT OF THE FUND.

26 (6) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF  
27 LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT  
28 ARTICLE.

29 (7) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND  
30 FROM RECEIVING MONEY FROM ANY OTHER SOURCE.

31 (B) THE FUND SHALL BE USED TO REIMBURSE THE CRIME LABORATORIES IN  
32 THE LABORATORY SYSTEM FOR:

33 (1) PROVIDING EQUIPMENT AND HEALTH AND SAFETY TRAINING TO  
34 EMPLOYEES IN THE LABORATORY SYSTEM; AND

1 (2) ANY OTHER USES THAT THE COUNCIL DEEMS APPROPRIATE.

2 **Article - Transportation**

3 27-101.

4 (R) (1) IN ADDITION TO ANY FINE AND OTHER PENALTY AUTHORIZED BY  
5 LAW, THE COURT MAY ASSESS A FEE OF \$100 ON ANY DEFENDANT WHO IS  
6 CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS OF § 21-902 OF THIS  
7 ARTICLE.

8 (2) THE CLERK OF THE COURT SHALL COLLECT ALL FEES ASSESSED  
9 UNDER THIS SECTION AND SHALL RETAIN 5% AS AN ADMINISTRATIVE FEE.

10 (3) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
11 CLERK SHALL FORWARD ALL MONEYS COLLECTED UNDER THIS SUBSECTION TO THE  
12 COMPTROLLER.

13 (4) THE COMPTROLLER SHALL DEPOSIT ONE-FOURTH OF THE MONEY  
14 RECEIVED AS PROVIDED UNDER THIS SUBSECTION IN THE MARYLAND DRUG AND  
15 ALCOHOL GRANTS PROGRAM FUND ESTABLISHED UNDER ARTICLE 27, § 297D OF THE  
16 CODE AND THREE-FOURTHS OF THE MONEY RECEIVED AS PROVIDED UNDER THIS  
17 SUBSECTION IN THE CRIME LABORATORY USER FEE FUND ESTABLISHED UNDER  
18 ARTICLE 27, § 866 OF THE CODE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1998.