

HOUSE BILL 176

Unofficial Copy
E4

1999 Regular Session
9r1359
CF 9r0539

By: **Delegates Hixson and Franchot**

Introduced and read first time: January 29, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety Technology Fund**

3 FOR the purpose of creating the Public Safety Technology Fund for the purpose of
4 assisting counties and municipal corporations in updating public safety
5 communications systems under certain circumstances; requiring the Emergency
6 Number Systems Board to administer the Fund; imposing certain duties on the
7 State Treasurer and the State Comptroller with respect to the Fund; requiring
8 the Board to establish certain procedures for the application for grants from the
9 Fund and the evaluation of progress in updating public safety communication
10 systems; imposing certain requirements on a county or municipal corporation
11 that is awarded a grant from the Fund; requiring the District Court and the
12 circuit courts to impose a certain court cost under certain circumstances;
13 requiring the funds collected from the imposition of a certain court cost to be
14 credited to the Fund; defining certain terms; and generally relating to the Public
15 Safety Technology Fund.

16 BY adding to
17 Article 41 - Governor - Executive and Administrative Departments
18 Section 18-401 through 18-404, inclusive, to be under the new subtitle "Subtitle
19 4. Public Safety Technology Fund"
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1998 Supplement)

22 BY adding to
23 Article - Courts and Judicial Proceedings
24 Section 7-202(f) and 7-301(g)
25 Annotated Code of Maryland
26 (1998 Replacement Volume)

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

Article 41 - Governor - Executive and Administrative Departments

SUBTITLE 4. PUBLIC SAFETY TECHNOLOGY FUND.

18-401.

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

(B) "BOARD" MEANS THE EMERGENCY NUMBER SYSTEMS BOARD ESTABLISHED UNDER § 18-103 OF THIS TITLE.

(C) "FUND" MEANS THE PUBLIC SAFETY TECHNOLOGY FUND.

(D) "SECRETARY" MEANS THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

18-402.

(A) THERE IS A PUBLIC SAFETY TECHNOLOGY FUND.

(B) (1) THE FUND IS A SPECIAL NONLAPSING FUND THAT IS ADMINISTERED BY THE BOARD.

(2) THE PURPOSE OF THE FUND IS TO ASSIST THE COUNTIES AND MUNICIPAL CORPORATIONS IN UPDATING THEIR PUBLIC SAFETY COMMUNICATIONS SYSTEMS AND RELATED TECHNOLOGICAL SYSTEMS SO AS TO CONFORM TO RECENT CHANGES IN FEDERAL COMMUNICATIONS COMMISSION REGULATIONS AND TO PROVIDE FOR MORE EFFICIENT AND EFFECTIVE DELIVERY OF PUBLIC SAFETY SERVICES TO THE COMMUNITIES THEY SERVE.

(C) THE FUND CONSISTS OF:

(1) MONEY CREDITED TO THE FUND UNDER §§ 7-202(F) AND 7-301(G) OF THE COURTS ARTICLE;

(2) EARNINGS FROM THE INVESTMENT OF MONEY OF THE FUND; AND

(3) ANY OTHER MONEY ACCEPTED FOR THE BENEFIT OF THE FUND FROM ANY GOVERNMENTAL OR PRIVATE SOURCE.

(D) (1) THE STATE TREASURER SHALL HOLD THE FUND AND INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED. THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH THE SECRETARY.

(2) THE FUND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE DIVISION OF AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

1 (4) GRANTS SHALL BE AWARDED TO THE COUNTIES AND THE
2 MUNICIPAL CORPORATIONS FROM THE FUND AS AUTHORIZED BY THE BOARD.

3 (E) EXPENDITURES FROM THE FUND MAY ONLY BE MADE:

4 (1) PURSUANT TO AN APPROPRIATION APPROVED BY THE GENERAL
5 ASSEMBLY IN THE ANNUAL STATE BUDGET; OR

6 (2) BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209
7 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, PROVIDED THAT:

8 (I) THE BUDGET AMENDMENT AND SUPPORTING INFORMATION
9 HAVE BEEN SUBMITTED TO THE BUDGET COMMITTEES FOR THEIR REVIEW AND
10 COMMENT; AND

11 (II) AT LEAST 45 DAYS HAVE ELAPSED FROM THE TIME THE
12 BUDGET AMENDMENT AND SUPPORTING INFORMATION WERE SUBMITTED TO THE
13 BUDGET COMMITTEES.

14 18-403.

15 (A) THE BOARD SHALL ESTABLISH PROCEDURES FOR:

16 (1) THE APPLICATION FOR GRANTS FROM THE FUND BY THE COUNTIES
17 AND MUNICIPAL CORPORATIONS; AND

18 (2) THE EVALUATION OF PROGRESS BY THE COUNTIES AND MUNICIPAL
19 CORPORATIONS IN UPDATING THEIR PUBLIC SAFETY COMMUNICATIONS SYSTEMS
20 AND RELATED TECHNOLOGICAL SYSTEMS.

21 (B) (1) IN AWARDING GRANTS FROM THE FUND, THE BOARD SHALL
22 CONSIDER:

23 (I) THE EXTENT OF THE NEED TO UPDATE PUBLIC SAFETY
24 COMMUNICATIONS SYSTEMS AND RELATED TECHNOLOGICAL SYSTEMS IN THE AREA
25 IDENTIFIED BY THE COUNTY OR MUNICIPAL CORPORATION APPLYING FOR A GRANT;

26 (II) THE GOALS AND PLANS OF THE COUNTY OR MUNICIPAL
27 CORPORATION WITH RESPECT TO UPDATED PUBLIC SAFETY COMMUNICATIONS
28 SYSTEMS AND RELATED TECHNOLOGICAL SYSTEMS; AND

29 (III) OTHER FACTORS RELATING TO THE NEED TO UPDATE PUBLIC
30 SAFETY COMMUNICATIONS SYSTEMS AND RELATED TECHNOLOGICAL SYSTEMS IN
31 THE STATE THAT THE BOARD CONSIDERS REASONABLE.

32 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT GRANTS BE
33 DISTRIBUTED TO THE COUNTIES AND THE MUNICIPAL CORPORATIONS
34 THROUGHOUT THE STATE BASED ON THE EXTENT OF THE NEED TO UPDATE PUBLIC
35 SAFETY COMMUNICATIONS SYSTEMS AND RELATED TECHNOLOGICAL SYSTEMS AS
36 DETERMINED BY THE BOARD.

1 18-404.

2 A COUNTY OR MUNICIPAL CORPORATION THAT IS AWARDED A GRANT UNDER
3 THIS SUBTITLE SHALL:

4 (1) USE THE GRANT SOLELY IN ACCORDANCE WITH THE TERMS OF THE
5 GRANT FOR UPDATING PUBLIC SAFETY COMMUNICATIONS SYSTEMS AND RELATED
6 TECHNOLOGICAL SYSTEMS; AND

7 (2) COMPLY WITH REPORTING REQUIREMENTS ESTABLISHED BY THE
8 BOARD FOR PURPOSES OF EVALUATING THE EFFORTS OF THE COUNTY OR
9 MUNICIPAL CORPORATION TO UPDATE PUBLIC SAFETY COMMUNICATIONS SYSTEMS
10 AND RELATED TECHNOLOGICAL SYSTEMS UNDER THE GRANT.

11 **Article - Courts and Judicial Proceedings**

12 7-202.

13 (F) (1) IN EVERY CASE IN WHICH A DEFENDANT IS FOUND GUILTY, ENTERS
14 A PLEA OF GUILT OR NOLO CONTENDERE, OR IS GIVEN PROBATION BEFORE
15 JUDGMENT FOR AN OFFENSE UNDER THE MOTOR VEHICLE LAW THAT IS
16 PUNISHABLE BY IMPRISONMENT OR FOR ANY OTHER CRIMINAL OFFENSE,
17 INCLUDING CASES IN WHICH THE DEFENDANT IS REPRESENTED BY THE OFFICE OF
18 THE PUBLIC DEFENDER, THE CIRCUIT COURT SHALL REQUIRE THE DEFENDANT TO
19 PAY AN ADDITIONAL COURT COST OF \$5. THE COURT COST IMPOSED UNDER THIS
20 SUBSECTION SHALL BE IN ADDITION TO ANY OTHER COURT COSTS IMPOSED IN THE
21 CIRCUIT COURT.

22 (2) THE FUNDS COLLECTED UNDER THIS SUBSECTION SHALL BE
23 REMITTED TO THE COMPTROLLER AND CREDITED TO THE PUBLIC SAFETY
24 TECHNOLOGY FUND ESTABLISHED UNDER ARTICLE 41, §§ 18-401 THROUGH 18-404,
25 INCLUSIVE, OF THE CODE.

26 7-301.

27 (G) (1) IN EVERY CASE IN WHICH A DEFENDANT IS FOUND GUILTY, ENTERS
28 A PLEA OF GUILT OR NOLO CONTENDERE, OR IS GIVEN PROBATION BEFORE
29 JUDGMENT FOR AN OFFENSE UNDER THE MOTOR VEHICLE LAW THAT IS
30 PUNISHABLE BY IMPRISONMENT OR FOR ANY OTHER CRIMINAL OFFENSE,
31 INCLUDING CASES IN WHICH THE DEFENDANT IS REPRESENTED BY THE OFFICE OF
32 THE PUBLIC DEFENDER, THE DISTRICT COURT SHALL REQUIRE THE DEFENDANT TO
33 PAY AN ADDITIONAL COURT COST OF \$5. THE COURT COST IMPOSED UNDER THIS
34 SECTION SHALL BE IN ADDITION TO ANY OTHER COURT COSTS IMPOSED IN THE
35 DISTRICT COURT.

36 (2) THE FUNDS COLLECTED UNDER THIS SECTION SHALL BE REMITTED
37 TO THE COMPTROLLER AND CREDITED TO THE PUBLIC SAFETY TECHNOLOGY FUND
38 ESTABLISHED UNDER ARTICLE 41, §§ 18-401 THROUGH 18-404, INCLUSIVE, OF THE
39 CODE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1999.