

HOUSE BILL 787

Unofficial Copy  
E4

1999 Regular Session  
(9lr0482)

**ENROLLED BILL**  
-- Judiciary/Judicial Proceedings --

Introduced by **Delegate Getty**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crime Laboratories Maryland Crime Laboratory Council**

3 FOR the purpose of establishing a Maryland Crime Laboratory Council; establishing  
4 the membership and ~~duties, duties, certain meeting requirements, and certain~~  
5 ~~procedures~~ of the Council; ~~establishing a Crime Laboratory User Fee Fund;~~  
6 ~~requiring the Governor's Office of Crime Control and Prevention to administer~~  
7 ~~the Fund; requiring that the Fund be used to make grants to crime laboratories~~  
8 ~~in the State for the purpose of enhancing the technology, equipment, and~~  
9 ~~training used by the crime laboratories; requiring funds to be given for preferred~~  
10 ~~purposes; authorizing a court to impose a certain fee on persons who are~~  
11 ~~convicted of certain types of crimes; requiring the clerk of the court to collect the~~  
12 ~~fees; authorizing the clerk to retain a certain portion of the money collected~~  
13 ~~under this Act as an administrative fee; requiring the balance of the money~~  
14 ~~collected by the clerk to be forwarded to the Comptroller; requiring the~~  
15 ~~Comptroller to deposit certain portions of the money in the Maryland Drug and~~  
16 ~~Alcohol Grants Program Fund and the Crime Laboratory User Fee Fund~~  
17 ~~specifying the terms of the initial members of the Council providing for the~~

1 *termination of this Act*; defining certain terms; and generally relating to crime  
2 laboratories.

3 ~~BY repealing and reenacting, with amendments,~~  
4 ~~Article 27—Crimes and Punishments~~  
5 ~~Section 291~~  
6 ~~Annotated Code of Maryland~~  
7 ~~(1996 Replacement Volume and 1998 Supplement)~~

8 BY adding to  
9 Article 41 - Governor - Executive and Administrative Departments  
10 Section 18-401 through ~~18-407~~ 18-406, inclusive, to be under the new subtitle  
11 "Subtitle 4. ~~Crime Laboratories~~ Maryland Crime Laboratory Council"  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1998 Supplement)

14 ~~BY adding to~~  
15 ~~Article—Transportation~~  
16 ~~Section 27-101(s)~~  
17 ~~Annotated Code of Maryland~~  
18 ~~(1998 Replacement Volume and 1998 Supplement)~~

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

21 **~~Article 27—Crimes and Punishments~~**

22 ~~291.~~

23 ~~(A) Any penalty imposed for violation of this subheading shall be in addition~~  
24 ~~to, and not in lieu of, any civil or administrative penalty or sanction authorized by~~  
25 ~~law.~~

26 ~~(B) (1) IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS~~  
27 ~~SUBHEADING, THE COURT MAY ASSESS A FEE OF \$100 ON A DEFENDANT WHO IS~~  
28 ~~CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF §§ 286 THROUGH 286D AND~~  
29 ~~287 THROUGH 287B OF THIS SUBHEADING.~~

30 ~~(2) THE CLERK OF THE COURT SHALL COLLECT ALL FEES ASSESSED~~  
31 ~~UNDER THIS SUBSECTION AND RETAIN 5% AS AN ADMINISTRATIVE FEE.~~

32 ~~(3) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION,~~  
33 ~~THE CLERK SHALL FORWARD ALL MONEY COLLECTED UNDER THIS SUBSECTION TO~~  
34 ~~THE STATE COMPTROLLER.~~

35 ~~(4) THE COMPTROLLER SHALL DEPOSIT 25% OF THE MONEY RECEIVED~~  
36 ~~UNDER THIS SUBSECTION IN THE MARYLAND DRUG AND ALCOHOL GRANTS~~

~~1 PROGRAM FUND ESTABLISHED UNDER § 287D OF THIS ARTICLE AND 75% OF THE  
2 MONEY RECEIVED UNDER THIS SUBSECTION IN THE CRIME LABORATORY USER FEE  
3 FUND ESTABLISHED UNDER ARTICLE 41, § 18-407 OF THE CODE.~~

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

5 SUBTITLE 4. ~~CRIME LABORATORIES~~ MARYLAND CRIME LABORATORY COUNCIL.

6 18-401.

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

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

10 (C) "CRIME LABORATORY" MEANS A CRIME LABORATORY OPERATED BY:

11 (1) THE DEPARTMENT OF STATE POLICE;

12 (2) THE STATE MEDICAL EXAMINER'S OFFICE;

13 (3) BALTIMORE CITY;

14 (4) ANNE ARUNDEL COUNTY;

15 (5) BALTIMORE COUNTY;

16 (6) MONTGOMERY COUNTY;

17 (7) PRINCE GEORGE'S COUNTY;

18 (8) THE CITY OF HAGERSTOWN; OR

19 (9) OCEAN CITY.

20 (D) ~~"DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.~~

21 (E) ~~"FUND" MEANS THE CRIME LABORATORY USER FEE FUND.~~

22 (F) "SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE.

23 18-402.

24 THERE IS A MARYLAND CRIME LABORATORY COUNCIL IN THE GOVERNOR'S  
25 OFFICE OF CRIME CONTROL AND PREVENTION.

26 18-403.

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

1 (1) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE OF CRIME  
2 CONTROL AND PREVENTION, APPOINTED BY THE GOVERNOR;

3 (2) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;

4 (3) THE SECRETARY OR THE SECRETARY'S DESIGNEE;

5 (4) A REPRESENTATIVE OF EACH CRIME LABORATORY, APPOINTED BY  
6 THE HEAD OF THE LAW ENFORCEMENT AGENCY THAT OPERATES THE LABORATORY;

7 (5) A REPRESENTATIVE OF THE STATE'S ATTORNEYS' ASSOCIATION,  
8 APPOINTED BY THE GOVERNOR; AND

9 (6) THE PUBLIC DEFENDER OR THE PUBLIC DEFENDER'S DESIGNEE;  
10 AND

11 (6) ~~(7)~~ A JUDGE OF A CIRCUIT COURT, APPOINTED BY THE CHIEF  
12 JUDGE OF THE COURT OF APPEALS.

13 ~~(B) (1) EXCEPT FOR THE TERMS OF THE INITIALLY APPOINTED MEMBERS,  
14 THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.~~

15 ~~(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS  
16 REQUIRED BY THE TERMS PROVIDED FOR THE INITIAL MEMBERS ON OCTOBER 1,  
17 1999.~~

18 ~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
19 SUCCESSOR IS APPOINTED AND QUALIFIES.~~

20 ~~(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
21 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
22 QUALIFIES.~~

23 18-404.

24 (A) THE COUNCIL ANNUALLY SHALL ELECT A CHAIRMAN, VICE-CHAIRMAN,  
25 AND OTHER OFFICERS FROM AMONG THE MEMBERS OF THE COUNCIL.

26 (B) THE MANNER OF ELECTING OFFICERS SHALL BE AS THE COUNCIL  
27 DETERMINES.

28 18-405.

29 (A) A MAJORITY OF THE MEMBERS OF THE COUNCIL THEN SERVING IS A  
30 QUORUM.

31 (B) THE COUNCIL SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND  
32 PLACES THAT THE COUNCIL DETERMINES.

33 (C) A MEMBER OF THE COUNCIL:

1 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

4 18-406.

5 THE COUNCIL SHALL:

6 (A) (I) MONITOR:

7 (I) (I) THE QUALITY OF CRIME LABORATORY SERVICES  
8 THAT ARE PROVIDED IN THE STATE AND DEMONSTRATED BY EACH LABORATORY  
9 ACTIVELY SEEKING ACCREDITATION SERVICES;

10 (II) (II) THE TYPES AND DISTRIBUTION OF CRIME  
11 LABORATORY SERVICES THAT ARE NEEDED IN THE STATE;

12 (III) (III) THE TYPES OF TECHNOLOGY, EQUIPMENT, AND  
13 TRAINING THAT ARE USED IN A CRIME LABORATORY; AND

14 (IV) (IV) ADVANCEMENTS IN TECHNOLOGY, EQUIPMENT, AND  
15 TRAINING WITHIN THE CRIME LABORATORY INDUSTRY THAT WOULD ENHANCE THE  
16 OPERATION OF A CRIME LABORATORY; ~~AND;~~ AND

17 (2) STUDY THE FEASIBILITY OF CONSOLIDATING ALL CRIME  
18 LABORATORIES IN THE STATE INTO ONE STATEWIDE CRIME LABORATORY.

19 (2) ~~RECOMMEND THE APPROVAL OR DISAPPROVAL OF GRANT~~  
20 ~~APPLICATIONS TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION~~  
21 ~~UNDER § 18-407(C)(1) OF THIS SUBTITLE GIVING PREFERENCE FOR FUNDING TO~~  
22 ~~LABORATORY NEEDS TO ACHIEVE AND MAINTAIN ACCREDITATION BY THE~~  
23 ~~AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS/LAB.~~

24 18-407.

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

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

28 (3) ~~THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER~~  
29 ~~SHALL ACCOUNT FOR THE FUND.~~

30 (4) ~~THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME~~  
31 ~~MANNER AS OTHER STATE FUNDS.~~

32 (5) ~~ANY INVESTMENT EARNINGS FOR THE FUND SHALL BE RETAINED~~  
33 ~~TO THE CREDIT OF THE FUND.~~

1           (6)     ~~THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF~~  
2 ~~LEGISLATIVE AUDITS UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

3           (7)     ~~THE FUND MAY RECEIVE MONEY FROM ANY SOURCE.~~

4           (8)     ~~DISBURSEMENTS FROM THE FUND SHALL SUPPLEMENT AND MAY~~  
5 ~~NOT BE A SUBSTITUTE FOR ANY STATE, LOCAL GOVERNMENT, OR OTHER FUNDS FOR~~  
6 ~~THE OPERATION OF A CRIME LABORATORY.~~

7     (B)     ~~THE FUND SHALL BE USED TO MAKE GRANTS TO ANY CRIME LABORATORY~~  
8 ~~FOR THE PURPOSE OF ENHANCING THE TECHNOLOGY, EQUIPMENT, AND TRAINING~~  
9 ~~USED IN THE CRIME LABORATORY.~~

10    (C)     ~~THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL:~~

11           (1)     ~~SUBMIT RECOMMENDATIONS ON GRANT APPLICATIONS TO THE~~  
12 ~~COUNCIL;~~

13           (2)     ~~MAKE GRANTS THAT ARE APPROVED BY THE COUNCIL UNDER §~~  
14 ~~18-406(2) OF THIS SUBTITLE; AND~~

15           (3)     ~~OTHERWISE ADMINISTER THE FUND.~~

16    (D)     ~~THE COST OF ADMINISTERING THE FUND MAY BE PAID FROM THE FUND.~~

17   ~~**Article – Transportation**~~

18 ~~27-101.~~

19     (S)     (1)     ~~IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS~~  
20 ~~SECTION, THE COURT MAY ASSESS A FEE OF \$100 ON A DEFENDANT WHO IS~~  
21 ~~CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF § 21-902 OF THIS ARTICLE.~~

22           (2)     ~~THE CLERK OF THE COURT SHALL COLLECT ALL FEES ASSESSED~~  
23 ~~UNDER THIS SUBSECTION AND RETAIN 5% AS AN ADMINISTRATIVE FEE.~~

24           (3)     ~~EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION,~~  
25 ~~THE CLERK SHALL FORWARD ALL MONEY COLLECTED UNDER THIS SUBSECTION TO~~  
26 ~~THE STATE COMPTROLLER.~~

27           (4)     ~~THE COMPTROLLER SHALL DEPOSIT 25% OF THE MONEY RECEIVED~~  
28 ~~UNDER THIS SUBSECTION IN THE MARYLAND DRUG AND ALCOHOL GRANTS~~  
29 ~~PROGRAM FUND ESTABLISHED UNDER ARTICLE 27, § 297D OF THE CODE AND 75% OF~~  
30 ~~THE MONEY RECEIVED UNDER THIS SUBSECTION IN THE CRIME LABORATORY USER~~  
31 ~~FEE FUND ESTABLISHED UNDER ARTICLE 41, § 18-407 OF THE CODE.~~

32     ~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial~~  
33 ~~members of the State Commission on Criminal Sentencing Policy who are subject to~~  
34 ~~appointment shall expire as follows:~~

- 1           ~~(1)     The representative of the Governor's Office of Crime Control and~~  
2 ~~Prevention in 2001;~~
- 3           ~~(2)     The representative of the crime laboratory of the Department of State~~  
4 ~~Police in 2003;~~
- 5           ~~(3)     The representative of the crime laboratory of the State Medical~~  
6 ~~Examiner's Office in 2001;~~
- 7           ~~(4)     The representative of the crime laboratory of Baltimore City in 2003;~~
- 8           ~~(5)     The representative of the crime laboratory of Anne Arundel County in~~  
9 ~~2001;~~
- 10          ~~(6)     The representative of the crime laboratory of Baltimore County in~~  
11 ~~2003;~~
- 12          ~~(7)     The representative of the crime laboratory of Montgomery County in~~  
13 ~~2001;~~
- 14          ~~(8)     The representative of the crime laboratory of Prince George's County~~  
15 ~~in 2003;~~
- 16          ~~(9)     The representative of the crime laboratory of the city of Hagerstown~~  
17 ~~in 2001;~~
- 18          ~~(10)    The representative of the crime laboratory of Ocean City in 2003;~~
- 19          ~~(11)    The representative of the State's Attorney's Association in 2001; and~~
- 20          ~~(12)    The judge of a circuit court in 2001.~~

21       SECTION ~~2. 3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect October 1, 1999. *It shall remain effective for a period of 3 years and, at the end*  
23 *of September 30, 2002, with no further action required by the General Assembly, this*  
24 *Act shall be abrogated and of no further force and effect.*