
By: **Delegate Getty**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crime Laboratories**

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

17 BY repealing and reenacting, with amendments,
18 Article 27 - Crimes and Punishments
19 Section 291
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1998 Supplement)

22 BY adding to
23 Article 41 - Governor - Executive and Administrative Departments
24 Section 18-401 through 18-407, inclusive, to be under the new subtitle "Subtitle
25 4. Crime Laboratories"
26 Annotated Code of Maryland
27 (1997 Replacement Volume and 1998 Supplement)

28 BY adding to
29 Article - Transportation
30 Section 27-101(s)
31 Annotated Code of Maryland

1 (1998 Replacement Volume and 1998 Supplement)

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

4 **Article 27 - Crimes and Punishments**

5 291.

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

9 (B) (1) IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS
10 SUBHEADING, THE COURT MAY ASSESS A FEE OF \$100 ON A DEFENDANT WHO IS
11 CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF §§ 286 THROUGH 286D AND
12 287 THROUGH 287B OF THIS SUBHEADING.

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

15 (3) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION,
16 THE CLERK SHALL FORWARD ALL MONEY COLLECTED UNDER THIS SUBSECTION TO
17 THE STATE COMPTROLLER.

18 (4) THE COMPTROLLER SHALL DEPOSIT 25% OF THE MONEY RECEIVED
19 UNDER THIS SUBSECTION IN THE MARYLAND DRUG AND ALCOHOL GRANTS
20 PROGRAM FUND ESTABLISHED UNDER § 287D OF THIS ARTICLE AND 75% OF THE
21 MONEY RECEIVED UNDER THIS SUBSECTION IN THE CRIME LABORATORY USER FEE
22 FUND ESTABLISHED UNDER ARTICLE 41, § 18-407 OF THE CODE.

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

24 SUBTITLE 4. CRIME LABORATORIES.

25 18-401.

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

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

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

30 (1) THE DEPARTMENT OF STATE POLICE;

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

32 (3) BALTIMORE CITY;

- 1 (4) ANNE ARUNDEL COUNTY;
- 2 (5) BALTIMORE COUNTY;
- 3 (6) MONTGOMERY COUNTY;
- 4 (7) PRINCE GEORGE'S COUNTY;
- 5 (8) THE CITY OF HAGERSTOWN; OR
- 6 (9) OCEAN CITY.

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

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

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

10 18-402.

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

13 18-403.

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

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

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

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

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

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

23 (6) A JUDGE OF A CIRCUIT COURT, APPOINTED BY THE CHIEF JUDGE OF
24 THE COURT OF APPEALS.

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

27 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS
28 REQUIRED BY THE TERMS PROVIDED FOR THE INITIAL MEMBERS ON OCTOBER 1,
29 1999.

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

3 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
4 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
5 QUALIFIES.

6 18-404.

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

9 (B) THE MANNER OF ELECTING OFFICERS SHALL BE AS THE COUNCIL
10 DETERMINES.

11 18-405.

12 (A) A MAJORITY OF THE MEMBERS OF THE COUNCIL THEN SERVING IS A
13 QUORUM.

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

16 (C) A MEMBER OF THE COUNCIL:

17 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

20 18-406.

21 THE COUNCIL SHALL:

22 (1) MONITOR:

23 (I) THE QUALITY OF CRIME LABORATORY SERVICES THAT ARE
24 PROVIDED IN THE STATE AND DEMONSTRATED BY EACH LABORATORY ACTIVELY
25 SEEKING ACCREDITATION SERVICES;

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

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

30 (IV) ADVANCEMENTS IN TECHNOLOGY, EQUIPMENT, AND TRAINING
31 WITHIN THE CRIME LABORATORY INDUSTRY THAT WOULD ENHANCE THE
32 OPERATION OF A CRIME LABORATORY; AND

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

6 18-407.

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

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

10 (3) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
11 SHALL ACCOUNT FOR THE FUND.

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

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

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

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

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

22 (B) THE FUND SHALL BE USED TO MAKE GRANTS TO ANY CRIME LABORATORY
23 FOR THE PURPOSE OF ENHANCING THE TECHNOLOGY, EQUIPMENT, AND TRAINING
24 USED IN THE CRIME LABORATORY.

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

26 (1) SUBMIT RECOMMENDATIONS ON GRANT APPLICATIONS TO THE
27 COUNCIL;

28 (2) MAKE GRANTS THAT ARE APPROVED BY THE COUNCIL UNDER §
29 18-406(2) OF THIS SUBTITLE; AND

30 (3) OTHERWISE ADMINISTER THE FUND.

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

1

Article - Transportation

2 27-101.

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

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

8 (3) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION,
9 THE CLERK SHALL FORWARD ALL MONEY COLLECTED UNDER THIS SUBSECTION TO
10 THE STATE COMPTROLLER.

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

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