

By: **Delegate Getty**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 1999

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; defining certain
18 terms; and generally relating to crime laboratories.

19 ~~BY repealing and reenacting, with amendments,~~
20 ~~Article 27 - Crimes and Punishments~~
21 ~~Section 291~~
22 ~~Annotated Code of Maryland~~
23 ~~(1996 Replacement Volume and 1998 Supplement)~~

24 BY adding to
25 Article 41 - Governor - Executive and Administrative Departments

1 Section 18-401 through ~~18-407~~ 18-406, inclusive, to be under the new subtitle
 2 "Subtitle 4. ~~Crime Laboratories~~ Maryland Crime Laboratory Council"
 3 Annotated Code of Maryland
 4 (1997 Replacement Volume and 1998 Supplement)

5 ~~BY adding to~~
 6 ~~Article - Transportation~~
 7 ~~Section 27-101(e)~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(1998 Replacement Volume and 1998 Supplement)~~

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

12 **~~Article 27 - Crimes and Punishments~~**

13 ~~291.~~

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

17 (B) (1) ~~IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS~~
 18 ~~SUBHEADING, THE COURT MAY ASSESS A FEE OF \$100 ON A DEFENDANT WHO IS~~
 19 ~~CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF §§ 286 THROUGH 286D AND~~
 20 ~~287 THROUGH 287B OF THIS SUBHEADING.~~

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

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

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

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

32 **SUBTITLE 4. ~~CRIME LABORATORIES~~ MARYLAND CRIME LABORATORY COUNCIL.**

33 18-401.

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

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

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

3 (1) THE DEPARTMENT OF STATE POLICE;

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

5 (3) BALTIMORE CITY;

6 (4) ANNE ARUNDEL COUNTY;

7 (5) BALTIMORE COUNTY;

8 (6) MONTGOMERY COUNTY;

9 (7) PRINCE GEORGE'S COUNTY;

10 (8) THE CITY OF HAGERSTOWN; OR

11 (9) OCEAN CITY.

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

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

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

15 18-402.

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

18 18-403.

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

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

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

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

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

26 (5) A REPRESENTATIVE OF THE STATE'S ATTORNEYS' ASSOCIATION,
27 APPOINTED BY THE GOVERNOR;

28 (6) THE PUBLIC DEFENDER OR THE PUBLIC DEFENDER'S DESIGNEE;

29 AND

1 ~~(6)~~ (7) A JUDGE OF A CIRCUIT COURT, APPOINTED BY THE CHIEF
2 JUDGE OF THE COURT OF APPEALS.

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

5 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS
6 REQUIRED BY THE TERMS PROVIDED FOR THE INITIAL MEMBERS ON OCTOBER 1,
7 1999.

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

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

13 18-404.

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

16 (B) THE MANNER OF ELECTING OFFICERS SHALL BE AS THE COUNCIL
17 DETERMINES.

18 18-405.

19 (A) A MAJORITY OF THE MEMBERS OF THE COUNCIL THEN SERVING IS A
20 QUORUM.

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

23 (C) A MEMBER OF THE COUNCIL:

24 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

27 18-406.

28 THE COUNCIL SHALL:

29 ~~(A)~~ MONITOR:

30 ~~(A)~~ (1) THE QUALITY OF CRIME LABORATORY SERVICES THAT
31 ARE PROVIDED IN THE STATE AND DEMONSTRATED BY EACH LABORATORY
32 ACTIVELY SEEKING ACCREDITATION SERVICES;

1 ~~(H)~~ (2) THE TYPES AND DISTRIBUTION OF CRIME LABORATORY
2 SERVICES THAT ARE NEEDED IN THE STATE;

3 ~~(HH)~~ (3) THE TYPES OF TECHNOLOGY, EQUIPMENT, AND TRAINING
4 THAT ARE USED IN A CRIME LABORATORY; AND

5 ~~(IV)~~ (4) ADVANCEMENTS IN TECHNOLOGY, EQUIPMENT, AND
6 TRAINING WITHIN THE CRIME LABORATORY INDUSTRY THAT WOULD ENHANCE THE
7 OPERATION OF A CRIME LABORATORY; ~~AND.~~

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

13 ~~18-407.~~

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

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

17 ~~(3)~~ ~~THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER~~
18 ~~SHALL ACCOUNT FOR THE FUND.~~

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

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

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

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

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

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

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

33 ~~(1)~~ ~~SUBMIT RECOMMENDATIONS ON GRANT APPLICATIONS TO THE~~
34 ~~COUNCIL;~~

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

3 (3) OTHERWISE ADMINISTER THE FUND.

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

5 ~~Article—Transportation~~

6 ~~27-101.~~

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

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

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

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

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

23 (1) The representative of the Governor's Office of Crime Control and
24 Prevention in 2001;

25 (2) The representative of the crime laboratory of the Department of State
26 Police in 2003;

27 (3) The representative of the crime laboratory of the State Medical
28 Examiner's Office in 2001;

29 (4) The representative of the crime laboratory of Baltimore City in 2003;

30 (5) The representative of the crime laboratory of Anne Arundel County in
31 2001;

32 (6) The representative of the crime laboratory of Baltimore County in
33 2003;

- 1 (7) The representative of the crime laboratory of Montgomery County in
2 2001;
- 3 (8) The representative of the crime laboratory of Prince George's County
4 in 2003;
- 5 (9) The representative of the crime laboratory of the city of Hagerstown
6 in 2001;
- 7 (10) The representative of the crime laboratory of Ocean City in 2003;
- 8 (11) The representative of the State's Attorney's Association in 2001; and
- 9 (12) The judge of a circuit court in 2001.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 1999.