

**HOUSE BILL 101**  
**EMERGENCY BILL**

Unofficial Copy  
E4

2000 Regular Session  
0lr1023

---

By: **Delegate Boschert**

Introduced and read first time: January 13, 2000

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Domestic Violence Unit Fund**

3 FOR the purpose of establishing the Maryland Domestic Violence Unit Fund;  
4 specifying that the Fund shall provide money for grants for all sheriff's offices  
5 and certain other law enforcement units for the service and data entry of ex  
6 parte orders, protective orders, and peace orders; establishing the Fund as a  
7 special, nonlapsing fund; establishing a funding mechanism for the Fund;  
8 authorizing the Governor to make a certain deficiency appropriation for the  
9 Fund; requiring the Governor to make a certain appropriation to the Fund;  
10 establishing procedures for holding moneys in the Fund and accounting for the  
11 Fund; requiring that administrative expenditures and disbursements be made  
12 only under certain conditions; allowing grant recipients to expend grant money  
13 beyond a certain period under certain circumstances; requiring the Governor's  
14 Office of Crime Control and Prevention to administer the Fund; requiring a  
15 certain report; defining a certain term; making this Act an emergency measure;  
16 and generally relating to the Maryland Domestic Violence Unit Fund.

17 BY adding to  
18 Article 27 - Crimes and Punishments  
19 Section 804  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1999 Supplement)

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

24 **Article 27 - Crimes and Punishments**

25 804.

26 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND DOMESTIC VIOLENCE  
27 UNIT FUND.

28 (B) (1) THERE IS A MARYLAND DOMESTIC VIOLENCE UNIT FUND.

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

3           (3)     THE FUND CONSISTS OF MONEYS APPROPRIATED IN THE STATE  
4 BUDGET TO THE FUND, ALL EARNINGS FROM INVESTMENT OF MONEYS IN THE  
5 FUND, AND ANY OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND FROM  
6 ANY GOVERNMENTAL OR PRIVATE SOURCE.

7           (4)     THE GOVERNOR:

8                   (I)     MAY PROVIDE FOR THE FUND A DEFICIENCY APPROPRIATION  
9 IN THE STATE BUDGET FOR FISCAL YEAR 2000; AND

10                   (II)    SHALL APPROPRIATE MONEYS TO THE FUND IN THE STATE  
11 BUDGET FOR FISCAL YEAR 2001 AND EACH FISCAL YEAR THEREAFTER.

12           (5)     (I)     THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY.

13                   (II)    THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

14           (6)     THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME  
15 MANNER AS OTHER STATE FUNDS.

16           (7)     THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS  
17 DIRECTED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION OR AS  
18 APPROVED IN THE STATE BUDGET.

19           (8)     THE FUND IS SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE  
20 AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

21           (C)     THE PURPOSE OF THE FUND IS TO PROVIDE GRANT MONEY TO LAW  
22 ENFORCEMENT AUTHORITIES LISTED IN SUBSECTION (D) OF THIS SECTION FOR THE  
23 CREATION OF SEPARATE DOMESTIC VIOLENCE UNITS DEDICATED TO:

24                   (1)     THE SERVICE OF EX PARTE ORDERS, PROTECTIVE ORDERS, AND  
25 PEACE ORDERS; AND

26                   (2)     THE DATA ENTRY AND DATA UPDATING OF THOSE ORDERS.

27           (D)     THE LAW ENFORCEMENT AUTHORITIES ELIGIBLE TO RECEIVE GRANTS  
28 FROM THE FUND ARE:

29                   (1)     EACH SHERIFF'S OFFICE IN THE STATE;

30                   (2)     THE BALTIMORE CITY POLICE DEPARTMENT;

31                   (3)     THE BALTIMORE COUNTY POLICE DEPARTMENT;

32                   (4)     THE CAMBRIDGE POLICE DEPARTMENT;

33                   (5)     THE FREDERICK CITY POLICE DEPARTMENT;

1 (6) THE HAGERSTOWN POLICE DEPARTMENT;

2 (7) THE HOWARD COUNTY POLICE DEPARTMENT; AND

3 (8) THE SALISBURY POLICE DEPARTMENT.

4 (E) (1) THE ADMINISTRATIVE EXPENSES UNDER THIS SECTION SHALL BE  
5 PAID ONLY IN ACCORDANCE WITH THE STATE BUDGET.

6 (2) (I) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
7 PREVENTION SHALL ADMINISTER THE FUND.

8 (II) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE OFFICE OF  
9 CRIME CONTROL AND PREVENTION SHALL PROVIDE A REPORT TO THE GENERAL  
10 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,  
11 THAT LISTS AND DESCRIBES ALL PROGRAMS RECEIVING GRANTS FROM THE FUND  
12 DURING THE PRECEDING FISCAL YEAR.

13 (3) DISBURSEMENTS FROM THE FUND SHALL SUPPLEMENT AND MAY  
14 NOT BE SUBSTITUTED FOR CURRENT LOCAL EXPENDITURES FOR THE SERVICE OF  
15 EX PARTE ORDERS, PROTECTIVE ORDERS, AND PEACE ORDERS, OR FOR THE DATA  
16 ENTRY AND DATA UPDATING OF THOSE ORDERS.

17 (4) IF THE TERMS OF A GRANT ALLOW, A RECIPIENT MAY EXPEND  
18 GRANT MONEY BEYOND THE FISCAL YEAR IN WHICH THE GRANT IS RECEIVED.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
20 measure, is necessary for the immediate preservation of the public health and safety,  
21 has been passed by a ye and nay vote supported by three-fifths of all the members  
22 elected to each of the two Houses of the General Assembly, and shall take effect from  
23 the date it is enacted.