

HOUSE BILL 101
EMERGENCY BILL

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E4

2000 Regular Session
0lr1023

By: **Delegate Boschert**

Introduced and read first time: January 13, 2000

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2000

CHAPTER _____

1 AN ACT concerning

2 **Maryland Domestic Violence Unit Pilot Program Fund**

3 FOR the purpose of establishing ~~the Maryland~~ a Domestic Violence Unit Pilot
4 Program Fund; specifying that the Fund shall provide grant money ~~for grants~~
5 ~~for all sheriff's offices and certain other law enforcement units~~ for to the sheriff's
6 office or police department in one or more counties for the creation of a separate
7 domestic violence unit dedicated to the service and data entry of ex parte orders,
8 and protective orders, and peace orders; establishing the Fund as a special,
9 nonlapsing fund; establishing a funding mechanism for the Fund; ~~authorizing~~
10 ~~the Governor to make a certain deficiency appropriation for the Fund; requiring~~
11 authorizing the Governor to make a certain ~~appropriation~~ appropriations to the
12 Fund; establishing procedures for holding moneys in the Fund and accounting
13 for the Fund; requiring the Fund to be invested and reinvested in a certain
14 manner; requiring the Comptroller to pay out money from the Fund under
15 certain circumstances; providing that the Fund is subject to a certain audit;
16 requiring that administrative expenditures and disbursements be made only
17 under certain conditions; allowing grant recipients to expend grant money
18 beyond a certain period under certain circumstances; requiring the Governor's
19 Office of Crime Control and Prevention to administer the Fund; requiring a
20 certain report; providing for the termination of this Act; defining a certain term;
21 making this Act an emergency measure; and generally relating to the ~~Maryland~~
22 Domestic Violence Unit Pilot Program Fund.

23 BY adding to

24 Article 27 - Crimes and Punishments

25 Section 804

26 Annotated Code of Maryland

1 (1996 Replacement Volume and 1999 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**

5 804.

6 (A) IN THIS SECTION, "FUND" MEANS THE ~~MARYLAND~~ DOMESTIC VIOLENCE
7 UNIT PILOT PROGRAM FUND.

8 (B) (1) THERE IS A ~~MARYLAND~~ DOMESTIC VIOLENCE UNIT PILOT PROGRAM
9 FUND.

10 (2) THE PURPOSE OF THE FUND IS TO PROVIDE GRANT MONEY TO THE
11 SHERIFF'S OFFICE OR POLICE DEPARTMENT IN ONE OR MORE COUNTIES FOR THE
12 CREATION OF A SEPARATE DOMESTIC VIOLENCE UNIT DEDICATED TO:

13 (I) THE SERVICE OF EX PARTE ORDERS AND PROTECTIVE ORDERS
14 ISSUED UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; AND

15 (II) THE DATA ENTRY AND DATA UPDATING OF THOSE ORDERS.

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

18 (2) (2) THE FUND CONSISTS OF MONEYS APPROPRIATED IN THE STATE
19 BUDGET TO THE FUND, ALL EARNINGS FROM INVESTMENT OF MONEYS IN THE
20 FUND, AND ANY OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND FROM
21 ANY GOVERNMENTAL OR PRIVATE SOURCE.

22 (4) (3) THE GOVERNOR:

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

25 (II) ~~SHALL MAY~~ APPROPRIATE MONEYS TO THE FUND IN THE
26 STATE BUDGET FOR FISCAL YEAR 2001 AND ~~EACH~~ FISCAL YEAR ~~THEREAFTER~~ 2002.

27 (5) (4) (I) THE STATE TREASURER SHALL HOLD THE FUND
28 SEPARATELY.

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

30 (6) (5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
31 MANNER AS OTHER STATE FUNDS.

32 (7) (6) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND
33 AS DIRECTED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION OR
34 AS APPROVED IN THE STATE BUDGET.

1 ~~(8)~~ (7) THE FUND IS SUBJECT TO AN AUDIT BY THE OFFICE OF
2 LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
3 ARTICLE.

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

7 ~~(1)~~ ~~THE SERVICE OF EX PARTE ORDERS, PROTECTIVE ORDERS, AND~~
8 ~~PEACE ORDERS; AND~~

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

10 ~~(D)~~ ~~THE LAW ENFORCEMENT AUTHORITIES ELIGIBLE TO RECEIVE GRANTS~~
11 ~~FROM THE FUND ARE:~~

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

13 ~~(2)~~ ~~THE BALTIMORE CITY POLICE DEPARTMENT;~~

14 ~~(3)~~ ~~THE BALTIMORE COUNTY POLICE DEPARTMENT;~~

15 ~~(4)~~ ~~THE CAMBRIDGE POLICE DEPARTMENT;~~

16 ~~(5)~~ ~~THE FREDERICK CITY POLICE DEPARTMENT;~~

17 ~~(6)~~ ~~THE HAGERSTOWN POLICE DEPARTMENT;~~

18 ~~(7)~~ ~~THE HOWARD COUNTY POLICE DEPARTMENT; AND~~

19 ~~(8)~~ ~~THE SALISBURY POLICE DEPARTMENT.~~

20 ~~(E)~~ (D) (1) THE ADMINISTRATIVE EXPENSES UNDER THIS SECTION SHALL
21 BE PAID ONLY IN ACCORDANCE WITH THE STATE BUDGET.

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

24 (II) ON OR BEFORE OCTOBER 1 ~~OF EACH YEAR, 2001, AND OCTOBER~~
25 1, 2002, THE OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE A
26 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE
27 GOVERNMENT ARTICLE, ~~THAT LISTS AND DESCRIBES ALL PROGRAMS RECEIVING~~
28 ~~GRANTS FROM THE FUND DURING THE PRECEDING FISCAL YEAR ON THE IMPACT OF~~
29 THE FUND ON:

30 1. THE SERVICE OF EX PARTE ORDERS AND PROTECTIVE
31 ORDERS ISSUED UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; AND

32 2. THE DATA ENTRY AND DATA UPDATING OF THOSE
33 ORDERS.

1 (3) DISBURSEMENTS FROM THE FUND SHALL SUPPLEMENT AND MAY
2 NOT BE SUBSTITUTED FOR CURRENT LOCAL EXPENDITURES FOR THE SERVICE OF
3 EX PARTE ORDERS, AND PROTECTIVE ORDERS, AND PEACE ORDERS, ISSUED UNDER
4 TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE OR FOR THE DATA ENTRY AND
5 DATA UPDATING OF THOSE ORDERS.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health and safety,
10 has been passed by a yea and nay vote supported by three-fifths of all the members
11 elected to each of the two Houses of the General Assembly, and shall take effect from
12 the date it is enacted. It shall remain effective through June 30, 2002, and, at the end
13 of June 30, 2002, with no further action required by the General Assembly, this Act
14 shall be abrogated and of no further force and effect.