

HOUSE BILL 155

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2000 Regular Session
0lr0022

By: **Chairman, Judiciary Committee (Departmental - State Police, Dept. of)**
Introduced and read first time: January 19, 2000
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: March 20, 2000

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Theft Prevention Council and Vehicle Theft Prevention Fund -**
3 **Extension of Sunset**

4 FOR the purpose of extending the termination date of the Act that established the
5 Vehicle Theft Prevention Council and the Vehicle Theft Prevention Fund; and
6 generally relating to the Vehicle Theft Prevention Council and the Vehicle Theft
7 Prevention Fund.

8 BY repealing and reenacting, without amendments,
9 Article 88B - Department of State Police
10 Section 72 through 75
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 459 of the Acts of the General Assembly of 1994, as amended by
15 Chapter 434 of the Acts of the General Assembly of 1997
16 Section 4

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

1 **Article 88B - Department of State Police**

2 72.

3 (a) There is a Vehicle Theft Prevention Council within the Department of
4 State Police.

5 (b) The Council shall consist of the following 13 members appointed by the
6 Governor:

7 (1) As ex officio members of the Council:

8 (i) The Secretary or the Secretary's designee;

9 (ii) The Secretary of Juvenile Justice or the Secretary's designee;

10 (iii) The Secretary of Public Safety and Correctional Services or the
11 Secretary's designee; and

12 (iv) The Administrator of the Maryland Motor Vehicle
13 Administration; and

14 (2) As regular members of the Council:

15 (i) One representative of a local law enforcement authority;

16 (ii) One representative of a Maryland State's Attorney's office;

17 (iii) Two representatives of insurers that issue private passenger
18 automobile or commercial motor vehicle liability insurance in the State, of which:

19 1. One shall be a domestic insurer; and

20 2. One shall be a foreign insurer;

21 (iv) One representative of the Governor's Office;

22 (v) One representative of the National Insurance Crime Bureau or
23 similar organization; and

24 (vi) Three representatives of the general public, of which one shall
25 be a representative of a neighborhood or community association.

26 (c) The Governor shall appoint the Chairman of the Council.

27 (d) (1) The members serve at the pleasure of the Governor.

28 (2) The term of a regular member is 3 years. The terms of the regular
29 members shall be staggered as required by the terms required for members on July 1,
30 1994. At the end of a term, a member continues to serve until a successor is
31 appointed.

1 (3) Members shall serve without compensation but shall be reimbursed
2 for expenses from the Fund in accordance with the Standard State Travel
3 Regulations.

4 73.

5 (a) The Council is established to assist in the prevention and deterrence of
6 private passenger and commercial motor vehicle theft and related crimes including
7 vandalism and the theft of property from vehicles in the State.

8 (b) The Council shall have the following powers and duties:

9 (1) To make grants and awards from the Fund for motor vehicle theft
10 intervention programs, as provided in § 74 of this subtitle;

11 (2) To solicit and accept funds, for deposit to the Fund, to be used to carry
12 out the purposes of this subtitle;

13 (3) To establish or assist in the establishment of programs designed to
14 reduce the incidence of vehicle thefts and related crimes;

15 (4) To identify priorities for theft prevention strategies in the State and
16 criteria for the Council's evaluation of recipients of assistance from the Council; and

17 (5) To study and propose laws that will further prevent and deter vehicle
18 thefts and related crimes.

19 (c) (1) The Council shall employ an executive director who shall be
20 appointed by the Governor.

21 (2) The expenses of the Council, including staff salaries and
22 administrative expenses, shall be paid from the Fund. In no case may expenses
23 exceed 7% of the total expenditures from the Fund in any fiscal year.

24 (3) The Assistant Attorney General assigned to the Department shall
25 serve as the legal advisor to the Council.

26 74.

27 (a) There is established a Vehicle Theft Prevention Fund.

28 (b) The Fund is a special nonlapsing fund and shall consist of:

29 (1) All money received under §§ 13-507 and 17-106 of the
30 Transportation Article; and

31 (2) All money received by the Council or the Fund from any source,
32 including gifts, grants, awards, or money from the federal or State government, a
33 local government, or association, organization, or other private source.

34 (c) (1) Money received by the Council shall be placed in the Fund.

1 (2) The State Treasurer shall hold and the State Comptroller shall
2 account for the funds.

3 (3) The proceeds of the Fund shall be invested and reinvested.

4 (4) Any investment earnings shall be paid into the Fund.

5 (d) Money in the Fund shall be expended by the Council in the following order
6 of priority:

7 (1) To pay the costs of the Council; and

8 (2) To carry out the purposes and objectives of this subtitle.

9 (e) The Council shall consider and prioritize the following entities and
10 programs when making awards from the Fund:

11 (1) State and local law enforcement agencies, to enhance or augment
12 vehicle theft enforcement and prevention teams or efforts;

13 (2) State and local law enforcement agencies, for programs designed to
14 reduce the incidence of vehicle theft;

15 (3) Local prosecutors and judicial agencies, for enhanced prosecution and
16 adjudication of vehicle theft crimes;

17 (4) Neighborhood or community organizations or business organizations,
18 for programs designed to reduce the incidence of vehicle theft;

19 (5) Educational programs designed to inform motor vehicle owners of
20 methods of preventing motor vehicle theft and to provide equipment, for experimental
21 purposes, to enable motor vehicle owners to prevent motor vehicle theft;

22 (6) Programs designed to reduce the incidence of juvenile vehicle theft
23 and juvenile recidivism; and

24 (7) Programs designed to reduce or deter damage or vandalism to a
25 vehicle in connection with a vehicle theft or theft of property from a vehicle.

26 (f) The grants and awards made under this section shall, to the extent
27 practicable, be allocated among the subdivisions of the State on a pro rata basis
28 determined by the percentage of the total number of vehicles registered in the State
29 that are registered in each subdivision.

30 (g) The Fund is not subject to § 7-302 of the State Finance and Procurement
31 Article.

32 (h) (1) Expenditures from the Fund may only be made:

33 (i) Pursuant to an appropriation approved by the General
34 Assembly in the annual State budget; or

1 (ii) By the budget amendment procedure provided for in § 7-209 of
2 the State Finance and Procurement Article, provided that:

3 1. The budget amendment and supporting information have
4 been submitted to the budget committees for their review and comment; and

5 2. At least 45 days have elapsed.

6 (2) The proposed budget and any budget amendment submitted to the
7 General Assembly shall include an itemized list of all grants, awards, and other
8 expenditures from the Fund to be made in that fiscal year.

9 75.

10 The Council shall develop and implement a plan of operation.

11 **Chapter 459 of the Acts of 1994, as amended by Chapter 434 of the Acts of**
12 **1997**

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 1994. It shall remain in effect for a period of [six] NINE years and one day
15 and, at the end of July 1, [2000] 2003, with no further action required by the General
16 Assembly, this Act shall be abrogated and of no further force and effect.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect July 1, 2000.