

---

By: **Senators DeGrange, Colburn, Hollinger, Jimeno, Lawlah, Middleton,  
Munson, Neall, Sfikas, and Teitelbaum**

Introduced and read first time: January 18, 2001

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Drunk and Drugged Driving Prevention Fund**

3 FOR the purpose of establishing a Law Enforcement Drunk and Drugged Driving  
4 Prevention Fund to assist law enforcement agencies in acquiring law  
5 enforcement equipment for a certain purpose; establishing a certain mandatory  
6 surcharge in addition to certain other penalties imposed for a conviction of  
7 specified drunk and drugged driving offenses; establishing a certain mandatory  
8 payment as a condition of probation when a person receives probation before  
9 judgment for a violation of specified drunk and drugged driving offenses;  
10 providing for the funding of the Fund; imposing certain duties on the Treasurer  
11 and Comptroller with respect to the Fund; providing how expenditures from the  
12 Fund may be made; requiring the District Court to collect a certain mandatory  
13 fine; requiring the Chief Judge of the District Court, in conjunction with the  
14 Motor Vehicle Administrator, to establish a procedure for notifying the  
15 Administrator of the amount of a certain payment collected by the District Court  
16 and the name and address of the individual required to make the payment;  
17 requiring the Administrator to establish criteria for applications for grants from  
18 the Fund and to establish a Law Enforcement Drunk and Drugged Driving  
19 Prevention Fund Board; requiring the Board to review grant applications and to  
20 recommend the award of grants to the Administrator; requiring law  
21 enforcement agencies that receive grants from the Fund to submit proof of  
22 appropriate expenditures; requiring the Secretary to submit a certain report to  
23 the Governor and the General Assembly in a certain manner; defining certain  
24 terms; and generally relating to the Law Enforcement Drunk and Drugged  
25 Driving Prevention Fund.

26 BY adding to  
27 Article - Transportation  
28 Section 27-113  
29 Annotated Code of Maryland  
30 (1999 Replacement Volume and 2000 Supplement)

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

**Article - Transportation**

1 27-113.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "BOARD" MEANS THE LAW ENFORCEMENT DRUNK AND DRUGGED  
5 DRIVING PREVENTION FUND BOARD.

6 (3) "DRUNK AND DRUGGED DRIVING" MEANS A VIOLATION OF:

7 (I) ARTICLE 27, § 388A OF THE CODE ("HOMICIDE BY MOTOR  
8 VEHICLE OR VESSEL WHILE INTOXICATED");

9 (II) § 8-738 OF THE NATURAL RESOURCES ARTICLE (OPERATING A  
10 VESSEL WHILE INTOXICATED OR WHILE UNDER THE INFLUENCE OF ALCOHOL OR  
11 DRUGS);

12 (III) § 21-902 OF THIS ARTICLE ("DRIVING WHILE INTOXICATED,  
13 WHILE INTOXICATED PER SE OR WHILE UNDER THE INFLUENCE OF ALCOHOL, A  
14 COMBINATION OF ALCOHOL AND A DRUG, OR A CONTROLLED DANGEROUS  
15 SUBSTANCE"); OR

16 (IV) § 21-903 OF THIS ARTICLE ("CONSUMPTION OF ALCOHOLIC  
17 BEVERAGES WHILE DRIVING ON HIGHWAY").

18 (4) "FUND" MEANS THE LAW ENFORCEMENT DRUNK AND DRUGGED  
19 DRIVING PREVENTION FUND.

20 (5) "LAW ENFORCEMENT AGENCY" MEANS THE DEPARTMENT OF STATE  
21 POLICE, THE SHERIFF OF A COUNTY, AND THE POLICE DEPARTMENT OF A COUNTY  
22 OR MUNICIPAL CORPORATION OF THE STATE.

23 (B) (1) A LAW ENFORCEMENT DRUNK AND DRUGGED DRIVING PREVENTION  
24 FUND IS ESTABLISHED TO PROVIDE AID TO A LAW ENFORCEMENT AGENCY FOR THE  
25 PURCHASE OF LAW ENFORCEMENT EQUIPMENT TO AID IN THE PREVENTION OF  
26 DRUNK AND DRUGGED DRIVING.

27 (2) THE FUND SHALL CONSIST OF MONEY COLLECTED IN ACCORDANCE  
28 WITH SUBSECTION (C) OF THIS SECTION.

29 (3) THE ADMINISTRATOR SHALL ADMINISTER THE FUND IN  
30 ACCORDANCE WITH THIS SECTION AND OTHER APPLICABLE LAW.

31 (4) (I) THE FUND IS A CONTINUING, NONLAPSING FUND WHICH IS  
32 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

33 (II) THE TREASURER SHALL SEPARATELY HOLD AND THE  
34 COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH THE  
35 ADMINISTRATOR.

1 (III) THE TREASURER MAY INVEST MONEYS IN THE FUND IN THE  
2 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

3 (5) EXPENDITURES FROM THE FUND MAY BE MADE ONLY:

4 (I) IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE  
5 GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET; OR

6 (II) BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN §  
7 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, PROVIDED THAT:

8 1. THE BUDGET AMENDMENT AND SUPPORTING  
9 INFORMATION HAVE BEEN SUBMITTED TO THE BUDGET COMMITTEES FOR THEIR  
10 REVIEW AND COMMENT; AND

11 2. AT LEAST 45 DAYS HAVE ELAPSED FROM THE TIME THE  
12 BUDGET AMENDMENTS AND SUPPORTING INFORMATION WERE SUBMITTED TO THE  
13 BUDGET COMMITTEES.

14 (C) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW:

15 (I) A PERSON WHO IS CONVICTED OF DRUNK AND DRUGGED  
16 DRIVING IS SUBJECT TO A \$100 SURCHARGE TO BE COLLECTED BY THE DISTRICT  
17 COURT IN ACCORDANCE WITH § 7-302 OF THE COURTS AND JUDICIAL PROCEEDINGS  
18 ARTICLE; OR

19 (II) A PERSON WHO RECEIVES PROBATION BEFORE JUDGMENT  
20 SHALL BE REQUIRED BY THE COURT TO PAY \$100 AS A CONDITION OF PROBATION TO  
21 BE COLLECTED BY THE DISTRICT COURT IN ACCORDANCE WITH § 7-302 OF THE  
22 COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

23 (2) THE \$100 ADDITIONAL FINE SHALL BE DEPOSITED IN THE FUND.

24 (3) (I) NOTWITHSTANDING ARTICLE 27, § 643 OF THE CODE, IT IS  
25 MANDATORY ON THE COURT TO IMPOSE NO LESS THAN THE PAYMENT REQUIRED  
26 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

27 (II) THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS  
28 SUBSECTION MAY NOT BE SUSPENDED.

29 (4) IN CONJUNCTION WITH THE ADMINISTRATOR, THE CHIEF JUDGE OF  
30 THE DISTRICT COURT SHALL ESTABLISH A PROCEDURE FOR PROMPTLY NOTIFYING  
31 THE ADMINISTRATOR OF:

32 (I) THE AMOUNT THE DISTRICT COURT COLLECTS UNDER THIS  
33 SECTION FOR A CONVICTION OF DRUNK AND DRUGGED DRIVING OR A FINDING OF  
34 GUILT FOR DRUNK AND DRUGGED DRIVING; AND

35 (II) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM  
36 THE DISTRICT COURT COLLECTS THE PAYMENT REQUIRED UNDER THIS SECTION.

1 (D) (1) GRANTS FROM THE FUND SHALL BE MADE TO A LAW ENFORCEMENT  
2 AGENCY BY THE STATE TREASURER AS AUTHORIZED BY THE ADMINISTRATOR.

3 (2) GRANTS DISTRIBUTED UNDER THIS SECTION SHALL BE USED TO  
4 SUPPLEMENT, NOT SUPPLANT, OTHER LAW ENFORCEMENT FUNDING.

5 (E) (1) THE ADMINISTRATOR SHALL ESTABLISH APPLICATION PROCEDURES  
6 TO APPLY FOR GRANTS FROM THE FUND.

7 (2) (I) THE ADMINISTRATOR SHALL ESTABLISH A LAW ENFORCEMENT  
8 DRUNK AND DRUGGED DRIVING PREVENTION FUND BOARD.

9 (II) THE BOARD SHALL:

10 1. REVIEW APPLICATIONS FOR A GRANT FROM THE FUND IN  
11 ACCORDANCE WITH THE CRITERIA ESTABLISHED BY THE ADMINISTRATOR; AND

12 2. MAKE RECOMMENDATIONS TO THE ADMINISTRATOR  
13 ABOUT THE AWARD OF GRANTS.

14 (F) AFTER A LAW ENFORCEMENT AGENCY RECEIVES A GRANT AWARD FROM  
15 THE FUND, THE LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE  
16 ADMINISTRATOR PROOF OF EXPENDITURES ON LAW ENFORCEMENT EQUIPMENT  
17 USED TO AID IN THE PREVENTION OF DRUNK AND DRUGGED DRIVING.

18 (G) THE ADMINISTRATOR SHALL REPORT ANNUALLY BY SEPTEMBER 1 TO THE  
19 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
20 ARTICLE, TO THE GENERAL ASSEMBLY ON THE DISTRIBUTION AND EXPENDITURE OF  
21 AID PROVIDED UNDER THIS SECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 2001.