

Department of Legislative Services

Maryland General Assembly

2003 Session

FISCAL AND POLICY NOTE

Senate Bill 1

(The President)

(Department of Legislative Services - Code Revision)

Education, Health, and Environmental Affairs

Judiciary

Public Safety

This Code Revision bill revises, restates, and recodifies the laws of the State that relate to public safety. The new article is a nonsubstantive revision of the statutes that pertain to the Department of State Police; law enforcement and law enforcement funds; regulated firearms; the State Fire Prevention Commission and the State Fire Marshal; fire, rescue, or emergency medical services entities and fire and rescue funds; fire protection and prevention; fireworks and sparklers; explosives; building and material codes and other safety codes; the militia; and emergency management. The new article derives primarily from Article 16A - Maryland Emergency Management Act; Article 27 - Crimes and Punishments; Article 38A - Fires and Investigations; Article 41 - Governor - Executive and Administrative Departments; Article 48 - Inspections; Article 65 - Militia; Article 83B - Department of Housing and Community Development; Article 88B - Department of State Police; and Article 89 - Miscellaneous Business, Work, and Safety Provisions.

Fiscal Summary

State Effect: None. This bill recodifies specified existing laws without substantive change. While some existing regulations relating to various State agencies may need to be revised to conform to the bill's nonsubstantive changes, it is anticipated that this activity could be absorbed within each agency's existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Public Safety Article consists of 14 titles as follows:

Title 1. General Provisions.

Contains definitions that apply to the entire article. It also includes provisions on public safety employees killed in the performance of duty and the 9-1-1 emergency telephone system.

Title 2. Department of State Police.

Revises the law that relates to the Department of State Police. It also includes provisions on the statewide DNA database system and the Vehicle Theft Prevention Fund.

Title 3. Law Enforcement.

Contains the Law Enforcement Officers' Bill of Rights, provisions on the Police Training Commission, provisions on special police officers, and the Maryland Railroad Police Act.

Title 4. Law Enforcement Funds.

Recodifies the Protective Body Armor Fund, the School Bus Safety Enforcement Fund, and the Law Enforcement Equipment Fund.

Title 5. Regulated Firearms.

Revises the law on the regulation of firearms. It covers the sale, rental, transfer, purchase, possession, or receipt of regulated firearms; the purchase or possession of rifles and shotguns; the issuance of handgun permits; the procedure for placing a handgun on the handgun roster; and the grant program of the Cease Fire Council.

Title 6. State Fire Prevention Commission and State Fire Marshal.

Revises the law on the State Fire Prevention Commission and the State Fire Marshal.

Title 7. Fire, Rescue, or Emergency Medical Services Entities.

Covers mutual aid agreements by fire, rescue, or emergency medical services entities; disability and death benefits and length of service award programs for members of volunteer fire companies and rescue squads; and members of fire companies appointed as deputy sheriffs.

Title 8. Fire and Rescue Funds.

Contains the Senator William H. Amoss Fire, Rescue, and Ambulance Fund; the Volunteer Company Assistance Fund; and provisions on county money and loans for volunteer fire companies.

Title 9. Fire Protection and Prevention.

Revises provisions on smoke detection systems, sprinkler systems; fast response residential fire sprinkler systems; high-rise building safety in case of fire; evacuation procedures in case of fire; disclosure of fire loss investigation reports; fire prevention codes of counties and municipal corporations; fire inspections by fire departments of counties and municipal corporations; and fire sprinkler contractors.

Title 10. Fireworks and Sparklers

Revises the law on fireworks and sparklers. It includes permits to discharge fireworks and licenses to operate fireworks plants.

Title 11. Explosives.

Covers explosives and includes provisions on licenses to engage in business as a manufacturer or dealer of explosives and licenses to possess explosives. It also contains the Explosives Advisory Council.

Title 12. Building and Material Codes; Other Safety Provisions.

Includes provisions on administrative search warrants; statewide building and housing codes; industrialized buildings and manufactured homes; safety glazing on materials in hazardous locations; the Maryland Building Performance Standards; the electrical code; elevator safety; the Boiler and Pressure Vessel Safety Act; and the Maryland Building Rehabilitation Code.

Title 13. Militia.

Revises the laws that relate to the militia of the State. It covers the organized and unorganized militia; the Adjutant General; the National Guard; the Maryland Defense Force; officers of the organized militia; ordering out the militia for active duty or training, courts-martial; and prohibited acts.

Title 14. Emergency Management.

Contains the Maryland Emergency Management Act; provisions on civil relief during emergency periods; the Governor's emergency powers; other emergency powers and provisions during a declared emergency; the State standby petroleum fuel set-aside program; provisions on compulsory work during a state of war; and provisions on riots. Also included are the following compacts: the Interstate Emergency Management and Civil Defense Compact, the Emergency Management Assistance Compact, and the Maryland Emergency Management Assistance Compact.

The bill contains a number of uncodified sections common to code revision projects, primarily designed to protect the status of the revision as a bulk, nonsubstantive restatement of the former law.

The bill also revises provisions in several other articles that were originally contained in Articles 27 and 38A, which are repealed by SB 1. Several provisions contained in the public safety laws are transferred to other articles, including the State Aid for Police Protection Fund, originally in Article 88B, which is transferred to Article 41. SB 1 also transfers a few provisions to the Session Laws because of limited and diminishing applicability or limited duration. A few apparently obsolete provisions are transferred to the Session Laws for historical purposes or to avoid any inadvertent substantive effect their repeal might have.

Background: The Criminal Law Article is a product of the continuing revision of the Annotated Code of Maryland by the legal staff of the Office of Policy Analysis, Department of Legislative Services. The first revised articles were enacted at the First Extraordinary Session of 1973. To date, 28 other revised articles have become law: Agriculture, Business Occupations and Professions, Business Regulation, Commercial Law, Corporations and Associations, Correctional Services, Courts and Judicial Proceedings, Criminal Law, Criminal Procedure, Education, Election Law, Estates and Trusts, Family Law, Financial Institutions, Health - Environmental (now Environment), Health - General, Health Occupations, Insurance, Labor and Employment, Natural Resources, Public Utility Companies, Real Property, State Finance and Procurement, State Government, State Personnel and Pensions, Tax - General, Tax - Property, and Transportation. The basic thrust of the revision is formal; the sole purposes of the work are modernization and clarification, not policymaking.

Additional Comments: Every effort is made to ensure that a proposed revision conforms as nearly as possible to the intent of the General Assembly, and any issues involving the interpretation of an aspect of current law are highlighted in the appropriate revisor's note. In other instances, the staff and the Article Review Committee have used revisor's notes to call to the attention of the General Assembly fundamental policy issues that are beyond the purview of the revision process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2003
lc/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510