
By: **Delegates Conway, Bozman, Cane, Elmore, Haddaway, Heller, Rudolph,
Smigiel, Sossi, and Walkup**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Police Helicopter Replacement Fund and Volunteer Company**
3 **Assistance Fund - Moving Violations - Surcharges**

4 FOR the purpose of establishing the State Police Helicopter Replacement Fund as a
5 special, nonlapsing fund; providing certain sources of revenue for the Fund;
6 requiring the Fund to be used for a certain purpose; requiring the Chief Judge of
7 the District Court to include a certain item on citation forms designed for traffic
8 offenses; requiring a certain surcharge to be added to a fine imposed by the
9 District Court for a conviction for certain moving violations; requiring a police
10 officer issuing a citation for certain moving violations to add a certain surcharge
11 to the amount of the total fine before presenting the citation to the driver being
12 charged; providing for the allocation of surcharges collected under this Act;
13 requiring certain amounts collected under this Act to be credited to the
14 Volunteer Company Assistance Fund in certain fiscal years; providing for the
15 application of this Act; and generally relating to surcharges collected for moving
16 violations to support the Volunteer Company Assistance Fund and the State
17 Police Helicopter Replacement Fund.

18 BY repealing and reenacting, with amendments,
19 Article - Courts and Judicial Proceedings
20 Section 1-605(d)(8)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2004 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Courts and Judicial Proceedings
25 Section 1-605(d)(9)
26 Annotated Code of Maryland
27 (2002 Replacement Volume and 2004 Supplement)

28 BY adding to
29 Article - Courts and Judicial Proceedings
30 Section 7-301(g)

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2004 Supplement)

3 BY adding to
4 Article - Public Safety
5 Section 2-801 to be under the new subtitle "Subtitle 8. State Police Helicopter
6 Replacement Fund"
7 Annotated Code of Maryland
8 (2003 Volume and 2004 Supplement)

9 BY adding to
10 Article - Transportation
11 Section 27-101.2
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2004 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 1-605.

18 (d) In addition to the powers and duties granted and imposed in subsections
19 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the
20 District Court shall:

21 (8) After consultation with police administrators and the Motor Vehicle
22 Administrator, design arrest - citation forms that [shall]:

23 (I) SHALL be used by all law enforcement agencies in the State
24 when charging a person with a criminal, civil, or traffic offense, excepting:

25 [(i)] 1. Violations by juveniles listed in § 3-8A-33(a) of this
26 article;

27 [(ii)] 2. Violations of parking ordinances or regulations adopted
28 under Title 26, Subtitle 3 of the Transportation Article; and

29 [(iii)] 3. Other violations as expressly provided by law; and

30 (II) SHALL INCLUDE A LINE ON WHICH TO ADD THE \$50
31 SURCHARGE ASSESSED UNDER § 27-101.2 OF THE TRANSPORTATION ARTICLE; AND

32 (9) Cause the District Court to print uniform motor vehicle citation
33 forms and any other uniform statewide citation forms for offenses triable in the
34 District Court.

1 7-301.

2 (G) (1) IN A TRAFFIC CASE IN WHICH POINTS MAY BE ASSESSED UNDER §
3 16-402 OF THE TRANSPORTATION ARTICLE, AFTER CONVICTION THE COURT SHALL
4 ADD A \$50 SURCHARGE TO ANY FINE IMPOSED BY THE COURT.

5 (2) (I) IN FISCAL YEARS 2006 AND 2007, THE FIRST \$20 MILLION IN
6 SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE
7 VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE
8 PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

9 (II) AFTER THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS
10 PARAGRAPH ARE MET, THE SURCHARGES COLLECTED UNDER THIS SUBSECTION
11 SHALL BE CREDITED TO THE STATE POLICE HELICOPTER REPLACEMENT FUND, TO
12 BE USED IN ACCORDANCE WITH THE PROVISIONS OF § 2-801 OF THE PUBLIC SAFETY
13 ARTICLE.

14 **Article - Public Safety**

15 **SUBTITLE 8. STATE POLICE HELICOPTER REPLACEMENT FUND.**

16 2-801.

17 (A) IN THIS SECTION, "FUND" MEANS THE STATE POLICE HELICOPTER
18 REPLACEMENT FUND.

19 (B) THERE IS A STATE POLICE HELICOPTER REPLACEMENT FUND.

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

22 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
23 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (D) THE FUND CONSISTS OF:

25 (1) MONEY RECEIVED BY THE FUND UNDER § 7-301(G) OF THE COURTS
26 ARTICLE;

27 (2) INVESTMENT EARNINGS OF THE FUND; AND

28 (3) MONEY RECEIVED BY THE FUND FROM ANY OTHER SOURCE.

29 (E) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE SEPARATELY
30 ACCOUNTED FOR AND CREDITED TO THE FUND AND ARE NOT SUBJECT TO § 6-226(A)
31 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (F) THE MONEY IN THE FUND MAY BE USED ONLY FOR THE PROCUREMENT
33 BY THE DEPARTMENT OF NEW HELICOPTERS AND AUXILIARY HELICOPTER

1 EQUIPMENT, GROUND SUPPORT EQUIPMENT, AND OTHER CAPITAL EQUIPMENT
2 RELATED TO HELICOPTERS.

3

Article - Transportation

4 27-101.2.

5 (A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT
6 COURT'S SCHEDULE OF PRESET FINES OR PENALTY DEPOSITS, A POLICE OFFICER
7 ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH POINTS MAY BE
8 ASSESSED UNDER § 16-402 OF THIS ARTICLE SHALL ADD A \$50 SURCHARGE TO THE
9 AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE DRIVER
10 BEING CHARGED.

11 (B) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES
12 COLLECTED UNDER THIS SECTION AS REQUIRED UNDER § 7-301(G) OF THE COURTS
13 ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed to apply only prospectively and may not be applied or interpreted to have
16 any effect on or application to any violation committed before the effective date of this
17 Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2005.