

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 135 (Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Public Safety and Correctional Services)

Judicial Proceedings

Judiciary

Public Safety - Protective Body Armor Fund - Additional Use

This departmental bill authorizes the Secretary of State Police to distribute money in the Protective Body Armor Fund to the Division of Parole and Probation (in the Department of Public Safety and Correctional Services) for the acquisition of protective body armor for its agents. Such an allocation is permissible only after required and permitted allocations are made under current law to eligible local law enforcement agencies.

Fiscal Summary

State Effect: During FY 2005, control of the fund was shifted from the budget and control of the State Police to the Governor's Office of Crime Control and Prevention (GOCCP) via a memorandum of understanding. Assuming that this bill could allow such allocations to be made to the Division of Parole and Probation by GOCCP, and depending on whether there is money remaining in the fund after annual allocations are made under current law provisions, varying amounts of money to acquire protective body armor could be annually made to the division.

Local Effect: None.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

Analysis

Current Law: The Protective Body Armor Fund is a special fund administered by the Secretary of State Police to assist local law enforcement agencies to (1) acquire protective body armor for each police officer of the local law enforcement agency; and (2) replace protective body armor at least every 10 years, or sooner if testing indicates a need for replacement.

The fund consists of money appropriated in the State budget to the fund. As authorized by the Secretary, the Treasurer must make payments out of the fund to local law enforcement agencies. A local law enforcement agency may use State money provided from the fund only to purchase or replace protective body armor. A single grant may not initially exceed 10% of the total money budgeted in the fund for any fiscal year.

In accordance with the State budget, grants to local law enforcement agencies are made based on the comparative needs of each local law enforcement agency as determined by the following criteria:

- the number of violent crime incidents committed within the jurisdiction of the local law enforcement agency for the last two years;
- the current number of sworn officers;
- the current number of sworn officers not assigned protective body armor;
- the number and age of protective body armor units currently in use by the local law enforcement agency;
- the number of protective body armor units requested for officers not currently assigned protective body armor and for officers assigned protective body armor in need of replacement due to age or wear;
- the regulations of the local law enforcement agency that relate to the use of protective body armor;
- the local law enforcement agency's budget request for supplies and equipment for the current and last two fiscal years; and
- any other information that the Secretary considers necessary to make grants for protective body armor.

After the initial allocation of money, the Secretary may distribute any money remaining in the fund on an equitable basis, as determined by the same criteria. The Secretary has established procedures for local law enforcement agencies to apply for money from the fund.

Background: In fiscal 2005, administration of the Protective Body Armor Fund was shifted from the State Police to GOCCP. Accordingly, even though the statutory control of this fund is accorded to the Department of State Police, actual control of the fund, and its grant disbursements, are under the control of GOCCP.

State Effect: The fiscal 2005 general fund appropriation, and the Governor's fiscal 2006 allowance, is \$50,000. As shown in **Exhibit 1**, the amount remaining in the fund at the end of each fiscal year which could be allocated to the Division of Parole and Probation varies widely.

Exhibit 1
Body Armor Grant History
Under the State Police

<u>Year</u>	<u>Appropriation</u>	<u>Awards</u>	<u>Reverted</u>
1996	\$200,000	\$200,000	\$0
1997	100,000	62,942	37,058
1998	100,000	30,015	69,985
1999	100,000	100,000	0
2000	75,000	75,000	0
2001	50,000	50,000	0
2002	50,000	48,913	1,087
2003	50,000	36,619	13,381
2004	50,000	50,000	0

It is also noted that GOCCP also administers the federal Bullet Proof Vest Program, which largely mirrors the State's program. The Governor's proposed fiscal 2006 budget includes \$8,621 for this program.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Department of State Police, Governor's Office of Crime Control and Prevention, Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2005
ncs/jr Revised - Senate Third Reader - March 24, 2005

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