
By: **Chairman, Judiciary Committee (By Request - Departmental - State Police)**

Introduced and read first time: January 26, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police - Protective Body Armor Fund - Transfer to the**
3 **Governor's Office of Crime Control and Prevention**

4 FOR the purpose of transferring the administration of the Protective Body Armor
5 Fund from the Department of State Police to the Governor's Office of Crime
6 Control and Prevention; transferring the functions of the Secretary of State
7 Police relating to the Protective Body Armor Fund to the Executive Director of
8 the Governor's Office of Crime Control and Prevention; defining certain terms;
9 and generally relating to the Governor's Office of Crime Control and Prevention
10 and the administration of the Protective Body Armor Fund.

11 BY repealing and reenacting, with amendments,
12 Article - Public Safety
13 Section 4-101 through 4-107, inclusive
14 Annotated Code of Maryland
15 (2003 Volume and 2005 Supplement)

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

18 **Article - Public Safety**

19 4-101.

20 (a) In this subtitle the following words have the meanings indicated.

21 (B) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
22 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

23 [(b)] (C) "Fund" means the Protective Body Armor Fund.

24 [(c)] (D) "Local law enforcement agency" means the police department of a
25 county or municipal corporation in the State.

26 [(d)] (E) "Protective body armor" means a vest or similar article that is:

1 (1) designed to be worn on the body to protect against blunt force trauma
2 associated with the impact of a firearm projectile; and

3 (2) manufactured of bullet resistant fabric that conforms to National
4 Institute of Justice (NIJ) Standard 0101.03 (or the current edition) and V-50 ballistic
5 testing requirements.

6 [(e) "Secretary" means the Secretary of State Police.]

7 4-102.

8 (a) There is a Protective Body Armor Fund.

9 (b) The purposes of the Fund are:

10 (1) to assist local law enforcement agencies to:

11 (i) acquire protective body armor for each police officer of the local
12 law enforcement agency; and

13 (ii) replace protective body armor at least every 10 years, or sooner
14 if testing indicates a need for replacement; and

15 (2) upon the fulfillment of the purposes specified in paragraph (1) of this
16 subsection, to assist the Division of Parole and Probation of the Department of Public
17 Safety and Correctional Services to acquire protective body armor for its agents with
18 the remainder of the funds.

19 (c) The [Secretary] EXECUTIVE DIRECTOR shall administer the Fund.

20 (d) The Fund consists of money appropriated in the State budget to the Fund.

21 (e) (1) As authorized by the [Secretary] EXECUTIVE DIRECTOR, the
22 Treasurer shall make payments out of the Fund to local law enforcement agencies and
23 the Division of Parole and Probation.

24 (2) A local law enforcement agency and the Division of Parole and
25 Probation may use State money provided under this subtitle only to purchase or
26 replace protective body armor.

27 4-103.

28 (a) The [Secretary] EXECUTIVE DIRECTOR shall establish procedures for local
29 law enforcement agencies to apply for money from the Fund.

30 (b) A local law enforcement agency that applies for money from the Fund shall
31 provide the [Secretary] EXECUTIVE DIRECTOR with the following information:

32 (1) the number of violent crime incidents committed within the
33 jurisdiction of the local law enforcement agency for the last 2 years;

- 1 (2) the current number of sworn officers;
- 2 (3) the current number of sworn officers not assigned protective body
3 armor;
- 4 (4) the number and age of protective body armor units currently in use
5 by the local law enforcement agency;
- 6 (5) the number of protective body armor units requested:
- 7 (i) for officers not currently assigned protective body armor; and
- 8 (ii) for officers assigned protective body armor in need of
9 replacement due to age or wear;
- 10 (6) the regulations of the local law enforcement agency that relate to the
11 use of protective body armor;
- 12 (7) the local law enforcement agency's budget request for supplies and
13 equipment for the current and last 2 fiscal years; and
- 14 (8) any other information that the [Secretary] EXECUTIVE DIRECTOR
15 considers necessary to make grants for protective body armor.

16 4-104.

17 (a) (1) In accordance with the State budget, the [Secretary] EXECUTIVE
18 DIRECTOR shall make grants to local law enforcement agencies to purchase and
19 replace protective body armor based on the comparative needs of each local law
20 enforcement agency as determined by the criteria set forth in § 4-103(b) of this
21 subtitle.

22 (2) A single grant may not initially exceed 10% of the total money
23 budgeted in the Fund for any fiscal year.

24 (b) After the initial allocation of money, the [Secretary] EXECUTIVE
25 DIRECTOR may distribute any money remaining in the Fund on an equitable basis, as
26 determined by the criteria set forth in § 4-103(b) of this subtitle.

27 (c) After the allocations of money made in accordance with subsections (a) and
28 (b) of this section, the [Secretary] EXECUTIVE DIRECTOR may distribute any of the
29 money remaining in the Fund to the Division of Parole and Probation to assist the
30 Division to acquire protective body armor for its agents.

31 4-105.

32 (a) A local law enforcement agency shall use the money distributed under this
33 subtitle as an addition to and not as a substitute for money appropriated from sources
34 other than the Fund to acquire or replace protective body armor.

1 (b) (1) Each local law enforcement agency shall spend money from its own
2 sources to acquire or replace protective body armor in an amount at least equal to the
3 amount of State money awarded from the Fund.

4 (2) After a local law enforcement agency receives notice from the
5 [Secretary] EXECUTIVE DIRECTOR of a grant, the local law enforcement agency shall
6 submit to the [Secretary] EXECUTIVE DIRECTOR proof of expenditures on protective
7 body armor.

8 (3) After certifying the expenditures under paragraph (2) of this
9 subsection, the [Secretary] EXECUTIVE DIRECTOR may authorize the reimbursement
10 of one-half of the local law enforcement agency's expenditures on protective body
11 armor, up to a maximum of the amount of the grant.

12 4-106.

13 To reduce the cost of protective body armor, the [Secretary] EXECUTIVE
14 DIRECTOR should encourage the bulk purchase of protective body armor.

15 4-107.

16 On or before September 1 of each year, the [Secretary] EXECUTIVE DIRECTOR
17 shall report to the Governor and, subject to § 2-1246 of the State Government Article,
18 to the General Assembly on:

19 (1) the distribution of money under this subtitle; and

20 (2) the ratio of protective body armor to police officers in each local
21 jurisdiction of the State that applied for money from the Fund.

22 SECTION 2. AND BE IT FURTHER ENACTED, That on July 1, 2006, all the
23 functions, powers, duties, assets, and liabilities of the Protective Body Armor Fund
24 within the Department of State Police shall be transferred to the Governor's Office of
25 Crime Control and Prevention.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 2006.