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

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Assigned to: Judiciary

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Read second time: February 28, 2006

CHAPTER _____

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.

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

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

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

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

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

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

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

13 4-102.

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

15 (b) The purposes of the Fund are:

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

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

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

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

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

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

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

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

1 4-103.

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

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

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

8 (2) the current number of sworn officers;

9 (3) the current number of sworn officers not assigned protective body
10 armor;

11 (4) the number and age of protective body armor units currently in use
12 by the local law enforcement agency;

13 (5) the number of protective body armor units requested:

14 (i) for officers not currently assigned protective body armor; and

15 (ii) for officers assigned protective body armor in need of
16 replacement due to age or wear;

17 (6) the regulations of the local law enforcement agency that relate to the
18 use of protective body armor;

19 (7) the local law enforcement agency's budget request for supplies and
20 equipment for the current and last 2 fiscal years; and

21 (8) any other information that the [Secretary] EXECUTIVE DIRECTOR
22 considers necessary to make grants for protective body armor.

23 4-104.

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

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

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

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

5 4-105.

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

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

12 (2) After a local law enforcement agency receives notice from the
13 [Secretary] EXECUTIVE DIRECTOR of a grant, the local law enforcement agency shall
14 submit to the [Secretary] EXECUTIVE DIRECTOR proof of expenditures on protective
15 body armor.

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

20 4-106.

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

23 4-107.

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

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

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

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

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

