
By: **Delegates Cadden, Barkley, Branch, V. Clagett, Conway, Love, Niemann,
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Assigned to: Appropriations

Committee Report: Favorable with amendments

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CHAPTER _____

1 AN ACT concerning

2 **State Budget - Funding for ~~Crime Laboratory and for~~ Circuit Court Law**
3 **Clerks**

4 FOR the purpose of repealing a requirement that ~~certain payments to subdivisions~~
5 ~~and municipalities related to law enforcement be reduced by a certain amount;~~
6 ~~repealing certain definitions relating to the calculation of the amount by which~~
7 ~~a certain payment to subdivisions and municipalities related to law enforcement~~
8 ~~be reduced; repealing a requirement that counties reimburse the Administrative~~
9 ~~Office of the Courts a certain percentage of the salary and other expenses~~
10 ~~relating to employing law clerks for circuit court judges; repealing a~~
11 ~~requirement that certain payments from counties be placed in a special fund~~
12 ~~and used to provide funds to employ law clerks for circuit court judges; repealing~~
13 ~~a requirement that the Comptroller withhold certain amounts from certain~~
14 ~~county income tax and make certain payments to the Administrative Office of~~
15 ~~the Courts under certain circumstances; requiring that money in a certain fund~~
16 ~~on a certain date may only be used to provide funds to employ law clerks for~~
17 ~~circuit court judges; requiring the Comptroller to withhold a certain tax from a~~
18 ~~county or Baltimore City if the Administrative Office of the Courts certifies that~~
19 ~~the county or Baltimore City is in arrears in paying the amounts due under~~
20 ~~certain provisions of law and to distribute the money to the Administrative~~
21 ~~Office of the Courts in a certain amount; and generally relating to ~~the funding~~~~
22 ~~for the Crime Laboratory for the State Police and funding for circuit court law~~
23 ~~clerks.~~

24 ~~BY repealing and reenacting, with amendments,~~
25 ~~Article 41 - Governor - Executive and Administrative Departments~~
26 ~~Section 4-403~~

1 Annotated Code of Maryland
2 (~~2003 Replacement Volume and 2005 Supplement~~)

3 BY repealing and reenacting, with amendments,
4 Article - Courts and Judicial Proceedings
5 Section 2-512
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2005 Supplement)

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

10 ~~Article 41 – Governor – Executive and Administrative Departments~~

11 ~~4-403.~~

12 (a) ~~As used in this subtitle:~~

13 (1) ~~"Subdivision" means any county of Maryland but does not include~~
14 ~~Baltimore City; or where the context requires, the governing body thereof.~~

15 (2) ~~"Municipality" means any incorporated city or town, except~~
16 ~~Baltimore City, within Maryland; or where the context requires, the governing body~~
17 ~~thereof.~~

18 (3) ~~"Expenditures for police protection" shall be those for the fiscal year~~
19 ~~immediately preceding the fiscal year for which the calculation of State aid is to be~~
20 ~~made. Thus, State aid for the first year of this grant (1968-1969) shall be based on~~
21 ~~"expenditures for police protection" in the fiscal year ending June 30, 1968; State aid~~
22 ~~for the second year of this grant (1969-1970) shall be based on expenditures in the~~
23 ~~fiscal year ending June 30, 1969, and so forth. "Expenditures for police protection"~~
24 ~~means salaries and wages, other operating expenses, capital outlays from current~~
25 ~~operating funds, and properly identifiable debt service, paid for police protection.~~
26 ~~Expenditures for sheriffs and constables are included only to the extent that such~~
27 ~~officers perform police protection functions. Expenditures for traffic control, park~~
28 ~~police, and a share of the cost of a central alarm system proportionate to its police use,~~
29 ~~are included. No part of expenditures for collecting from or servicing parking meters,~~
30 ~~nor of constructing or operating jails, is included.~~

31 (4) ~~"Adjusted assessed valuation of real property" means 100% of the~~
32 ~~assessed valuation of the operating real property of public utilities, plus 40% of the~~
33 ~~assessed valuation of all other real property for State purposes, as reported by the~~
34 ~~State Department of Assessments and Taxation as of July 1 of the second fiscal year~~
35 ~~preceding the fiscal year for which the calculation of State aid is to be made, plus 20%~~
36 ~~of new property assessed between July 1 and December 31 of the second preceding~~
37 ~~fiscal year. "Real property" means all property classified as real property under §~~
38 ~~8-101(b) of the Tax – Property Article.~~

1 (5) "Net taxable income" shall be the taxable income of individuals under
 2 Title 10 of the Tax General Article, as certified by the Comptroller of the Treasury
 3 for the third completed calendar year preceding the fiscal year for which the
 4 calculation of State aid is to be made. Thus, State aid for the first year of this grant
 5 shall be based on taxable income in calendar year 1965, and State aid in succeeding
 6 years on taxable income in corresponding succeeding calendar years.

7 (6) Population figures for total number of people in a subdivision, i.e.
 8 figures used in per capita and density determinations, shall be those estimated by the
 9 State Department of Health and Mental Hygiene, as of July 1 of each year.
 10 Percentage of population residing in municipalities shall be determined from time to
 11 time by the most recently published federal decennial census data.

12 (7) "Qualifying municipality" means a municipality:

13 (i) 1. Whose "expenditures for police protection", as defined
 14 above, exceed \$5,000; and

15 2. That employs at least one qualified full time police officer,
 16 as determined by the Secretary of State Police; or

17 (ii) 1. Whose "expenditures for police protection", as defined
 18 above, exceed \$80,000; and

19 2. That employs at least two qualified part time police
 20 officers, as determined by the Secretary of State Police, from a county police
 21 department or county sheriff's department.

22 (8) "Wealth base" of a subdivision means the sum of the "adjusted
 23 assessed valuation of real property" and "net taxable income".

24 (9) "Aggregate expenditures for police protection" for a subdivision
 25 means the sum of "expenditures for police protection", as defined above, of that
 26 subdivision and of every qualifying municipality in that subdivision.

27 (10) "Equivalent of X dollars per capita" means an amount of money equal
 28 to the product of X times the number of people in the particular subdivision.

29 (11) Repealed.

30 (12) "Sworn officer" means:

31 (i) A law enforcement officer certified by the Police Training
 32 Commission; or

33 (ii) A full time probationary employee of a local government who:

34 1. Is hired to attend a police training academy to become a
 35 certified law enforcement officer; and

1 (vii) For subdivisions with population density 8,000 or more per
2 square mile, payment under this paragraph shall be 25% of the amount by which
3 aggregate expenditures for police protection exceed the equivalent of \$6.00 per capita
4 but do not exceed the equivalent of \$36.00 per capita and 50% of the amount by which
5 aggregate expenditures for police protection exceed the equivalent of \$36.00 per
6 capita but do not exceed the equivalent of \$101.50 per capita.

7 (3) ~~Minimum Grant. The State shall pay to each subdivision the amount,~~
8 ~~if any, by which the equivalent of \$2.50 per capita exceeds the total payments~~
9 ~~determined under paragraphs (1) and (2) of this subsection. No subdivision for which~~
10 ~~the population estimate is less than the population estimated for the first year of this~~
11 ~~grant shall receive in any year a smaller amount of State aid for police protection~~
12 ~~than it received in any previous year, provided it has not reduced the level of~~
13 ~~expenditure for police protection which entitled it to the amount of that previous~~
14 ~~year's grant.~~

15 (4) ~~Incentive Grant. In addition to the payments made under paragraphs~~
16 ~~(1), (2), and (3) of this subsection, the State shall pay to each subdivision with a~~
17 ~~population density of less than 500 per square mile, an amount the equivalent of~~
18 ~~\$2.00 per capita.~~

19 (5) ~~Supplemental Grant.~~

20 (i) ~~In addition to the payments made under paragraphs (1), (2), (3)~~
21 ~~and (4) of this subsection, the State shall pay:~~

22 1. ~~To each subdivision, subject to subparagraph (ii) of this~~
23 ~~paragraph, an amount the equivalent of \$2.50 per capita; and~~

24 2. ~~To Baltimore City, an amount the equivalent of fifty cents~~
25 ~~per capita.~~

26 (ii) ~~The State shall allocate and distribute the supplemental grant~~
27 ~~to each subdivision among the subdivisions and the qualifying municipalities in those~~
28 ~~subdivisions on a per capita basis.~~

29 (6) ~~Additional Grant. For the fiscal year ending June 30, 1981, and for~~
30 ~~each fiscal year thereafter, an additional grant equal to 10 percent of the total of the~~
31 ~~payments determined under paragraphs (1), (2), (3) and (4) of this subsection, or an~~
32 ~~amount which shall not exceed the equivalent of \$1 per capita, whichever is the~~
33 ~~larger, shall be paid to the subdivisions.~~

34 (7) ~~Minimum Payment in Certain Years. Each subdivision shall be paid~~
35 ~~that amount, if any, by which the grant paid to the subdivision in the fiscal year~~
36 ~~ending June 30, 1984 exceeds the total payments determined under paragraphs (1),~~
37 ~~(2), (3), (4), (5) and (6) of this subsection.~~

38 (8) ~~Municipal Sworn Officer Allocation. The State shall pay to each~~
39 ~~qualifying municipality, in addition to the payments made under paragraphs (1)~~
40 ~~through (7) of this subsection an amount equal to \$1,800 for each sworn police officer~~

1 actually employed on a full time basis by the qualifying municipality, as determined
2 by the Secretary of State Police.

3 (e) The payment received by each subdivision under subsection (b)(1), (2), (3),
4 (4), (6) and (7) of this section shall be paid to each subdivision and qualifying
5 municipality, in the exact proportion which the expenditures for police protection of
6 the subdivision and of each qualifying municipality bear to aggregate expenditures
7 for police protection.

8 [(d) (1) (i) In this subsection the following words have the meanings
9 indicated.

10 (ii) "Crime assessment" means an amount obtained for each
11 subdivision or Baltimore City by multiplying the percent of total Part I Crimes in the
12 State that were committed in the subdivision or Baltimore City by 10% of the costs for
13 the crime laboratory of the State Police as provided in the State budget for the fiscal
14 year of the assessment.

15 (iii) "Part I Crimes" means the crimes reported by the State Police
16 as Part I Crimes in the annual uniform crime report for the second completed
17 calendar year preceding the fiscal year of the crime assessment.

18 (iv) "Wealth assessment" means an amount obtained for each
19 subdivision or Baltimore City by multiplying the percent of the total wealth base of
20 the State that is attributable to the wealth base of the subdivision or Baltimore City
21 by 20% of the costs for the crime laboratory of the State Police as provided in the State
22 budget for the fiscal year of the assessment.

23 (2) For the fiscal year beginning July 1, 2004, and for each fiscal year
24 thereafter, the amount determined under subsection (b) of this section for each
25 subdivision or Baltimore City shall be reduced by the sum of the crime assessment
26 and the wealth assessment for the subdivision or Baltimore City.]

27 Article - Courts and Judicial Proceedings

28 2-512.

29 (a) Each circuit court judge shall have one law clerk, to be employed by the
30 State.

31 (b) The budget for the Administrative Office of the Courts shall include funds
32 to employ one law clerk for each circuit court judge.

33 [(c) (1) Each county and Baltimore City shall reimburse the Administrative
34 Office of the Courts for 25% of the salary and other expenses to employ one law clerk
35 for each circuit court judge in the county or Baltimore City.

36 (2) The amounts received under this subsection shall be credited to a
37 special fund, to be used only to provide funds to employ law clerks for each circuit
38 court judge as provided in this section.

1 (3) Notwithstanding Title 2, Subtitle 6 of the Tax - General Article, if the
2 Administrative Office of the Courts certifies to the Comptroller that a county or
3 Baltimore City is more than 90 days in arrears in paying the amounts due under this
4 subsection, the Comptroller shall withhold from the county income tax otherwise due
5 to be distributed to the county or Baltimore City and shall pay to the Administrative
6 Office of the Courts the amount due.]

7 SECTION 2. AND BE IT FURTHER ENACTED, That ~~any money in the special~~
8 ~~fund created under § 2-512(c)(2) of the Courts and Judicial Proceedings Article on the~~
9 ~~effective date of this Act may only be used to provide funds to employ law clerks for~~
10 ~~each circuit court judge;~~

11 (1) the counties and Baltimore City shall continue to reimburse the
12 Administrative Office of the Courts for all money owed as of June 30, 2006, to the
13 special fund created under § 2-512(c)(2) of the Courts and Judicial Proceedings
14 Article as it was in effect on June 30, 2006; and

15 (2) any money remaining in the fund shall be disbursed as required by §
16 2-512(c) of the Courts and Judicial Proceedings Article as it was in effect on June 30,
17 2006.

18 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Title 2,
19 Subtitle 6 of the Tax - General Article, if the Administrative Office of the Courts
20 certifies to the Comptroller that a county or Baltimore City is more than 90 days in
21 arrears in paying the amounts due under § 2-512(c) of the Courts and Judicial
22 Proceedings Article as it was in effect on June 30, 2006, or under Section 2 of this Act,
23 the Comptroller shall withhold from the county income tax otherwise due to be
24 distributed to the county or Baltimore City and shall pay to the Administrative Office
25 of the Courts the amount due.

26 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 2006.