

ENROLLED BILL

-- Appropriations/Budget and Taxation --

Introduced by **Delegates Brown, Benson, Conroy, D. Davis, Frush, Gaines, Griffith, Holmes, Howard, Hubbard, Kelley, King, Menes, Montgomery, Paige, Parker, Patterson, Petzold, Ramirez, Ross, V. Turner, Vallario, and Vaughn**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Aid for Police Protection - Supplemental Grants**

3 FOR the purpose of requiring a supplemental grant for police protection to be paid
4 from the State to each subdivision that borders ~~another state or~~ the District of
5 Columbia; providing for a delayed effective date; and generally relating to
6 supplemental grants from the State for police protection.

7 BY repealing and reenacting, with amendments,
8 Article 41 - Governor - Executive and Administrative Departments
9 Section 4-403
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2005 Supplement)

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

3 **Article 41 - Governor - Executive and Administrative Departments**

4 4-403.

5 (a) As used in this subtitle:

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

8 (2) "Municipality" means any incorporated city or town, except
9 Baltimore City, within Maryland; or where the context requires, the governing body
10 thereof.

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

24 (4) "Adjusted assessed valuation of real property" means 100% of the
25 assessed valuation of the operating real property of public utilities, plus 40% of the
26 assessed valuation of all other real property for State purposes, as reported by the
27 State Department of Assessments and Taxation as of July 1 of the second fiscal year
28 preceding the fiscal year for which the calculation of State aid is to be made, plus 20%
29 of new property assessed between July 1 and December 31 of the second preceding
30 fiscal year. "Real property" means all property classified as real property under §
31 8-101(b) of the Tax - Property Article.

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

38 (6) Population figures for total number of people in a subdivision, i.e.
39 figures used in per capita and density determinations, shall be those estimated by the
40 State Department of Health and Mental Hygiene, as of July 1 of each year.

1 Percentage of population residing in municipalities shall be determined from time to
2 time by the most recently published federal decennial census data.

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

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

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

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

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

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

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

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

20 (12) "Sworn officer" means:

21 (i) A law enforcement officer certified by the Police Training
22 Commission; or

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

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

26 2. Is in training or is functioning as a law enforcement officer
27 pending training.

28 (b) Subject to subsection (d) of this section, for the fiscal year beginning July 1,
29 2004, and thereafter, the State shall pay to each subdivision, and to each qualifying
30 municipality, each year in the manner and subject to the limitations and
31 requirements hereinafter provided, an amount determined as follows:

32 (1) Share in Basic Expenditure. If the aggregate expenditures for police
33 protection in a subdivision equal or exceed \$6.00 per capita, the State shall pay to the
34 subdivision the amount, if any, by which the equivalent of \$6.00 per capita exceeds
35 0.09% of the wealth base. If the aggregate expenditures for police protection in a
36 subdivision are less than \$6.00 per capita, the State shall pay to the subdivision the

1 amount, if any, by which aggregate expenditures for police protection exceed that
2 proportion of 0.09 percent of the wealth base which aggregate expenditures for police
3 protection bear to the equivalent of \$6.00 per capita.

4 (2) Share Over the Basic Expenditure. In addition to the amount, if any,
5 payable under paragraph (1) of this subsection, the State shall pay to each
6 subdivision an amount equal to 25% of the amount, if any, by which aggregate
7 expenditures for police protection exceed the equivalent of \$6.00 per capita. Provided
8 however:

9 (i) For subdivisions with a population density less than 100 per
10 square mile, and less than 30% of total population residing in municipalities, there
11 shall be no payment under this paragraph.

12 (ii) For subdivisions with population density 100 or more but less
13 than 500 per square mile, and for subdivisions with population density less than 100
14 per square mile but with 30% or more of total population residing in municipalities,
15 payment under this paragraph shall not exceed the equivalent of \$3.50 per capita.

16 (iii) For subdivisions with population density 500 or more but less
17 than 900 per square mile, payment under this paragraph shall not exceed the
18 equivalent of \$7.50 per capita.

19 (iv) For subdivisions with population density 900 or more but less
20 than 1,100 per square mile, payment under this paragraph shall not exceed the
21 equivalent of \$8.00 per capita.

22 (v) For subdivisions with population density 1,100 or more but less
23 than 1,300 per square mile, payment under this paragraph shall not exceed the
24 equivalent of \$9.25 per capita.

25 (vi) For subdivisions with population density 1,300 or more but less
26 than 8,000 per square mile, payment under this paragraph shall be 25% of the
27 amount by which aggregate expenditures for police protection exceed the equivalent
28 of \$6.00 per capita but do not exceed the equivalent of \$36.00 per capita and 50% of
29 the amount by which aggregate expenditures for police protection exceed the
30 equivalent of \$36.00 per capita but do not exceed the equivalent of \$45.50 per capita.

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

37 (3) Minimum Grant. The State shall pay to each subdivision the amount,
38 if any, by which the equivalent of \$2.50 per capita exceeds the total payments
39 determined under paragraphs (1) and (2) of this subsection. No subdivision for which
40 the population estimate is less than the population estimated for the first year of this
41 grant shall receive in any year a smaller amount of State aid for police protection

1 than it received in any previous year, provided it has not reduced the level of
2 expenditure for police protection which entitled it to the amount of that previous
3 year's grant.

4 (4) Incentive Grant. In addition to the payments made under paragraphs
5 (1), (2), and (3) of this subsection, the State shall pay to each subdivision with a
6 population density of less than 500 per square mile, an amount the equivalent of
7 \$2.00 per capita.

8 (5) Supplemental Grant.

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

11 1. To each subdivision, subject to subparagraph (ii) of this
12 paragraph, an amount the equivalent of \$2.50 per capita; [and]

13 2. To Baltimore City, an amount the equivalent of fifty cents
14 per capita; AND

15 3. TO EACH SUBDIVISION THAT BORDERS ~~ANOTHER STATE~~
16 ~~OR THE DISTRICT OF COLUMBIA~~, IN ADDITION TO THE AMOUNT REQUIRED UNDER
17 ITEM 1 OF THIS SUBPARAGRAPH, AN AMOUNT THE EQUIVALENT OF ~~\$2.00~~ FIFTY
18 CENTS PER CAPITA LIVING IN THIS STATE WITHIN 1 MILE OF THE BORDER.

19 (ii) The State shall allocate and distribute the supplemental grant
20 to each subdivision among the subdivisions and the qualifying municipalities in those
21 subdivisions on a per capita basis.

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

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

31 (8) Municipal Sworn Officer Allocation. The State shall pay to each
32 qualifying municipality, in addition to the payments made under paragraphs (1)
33 through (7) of this subsection an amount equal to \$1,800 for each sworn police officer
34 actually employed on a full-time basis by the qualifying municipality, as determined
35 by the Secretary of State Police.

36 (c) The payment received by each subdivision under subsection (b)(1), (2), (3),
37 (4), (6) and (7) of this section shall be paid to each subdivision and qualifying
38 municipality, in the exact proportion which the expenditures for police protection of

1 the subdivision and of each qualifying municipality bear to aggregate expenditures
2 for police protection.

3 (d) (1) (i) In this subsection the following words have the meanings
4 indicated.

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2007.