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By: **Delegates Conway, Bozman, Branch, Cadden, DeBoy, Donoghue,  
Elmore, Glassman, Jennings, Malone, McIntosh, Moe, Parrott, Proctor,  
Stull, and Weir**

Introduced and read first time: March 2, 2006  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Police Helicopter Replacement Fund and Volunteer Company**  
3 **Assistance Fund - Moving Violations - Surcharges**

4 FOR the purpose of establishing the State Police Helicopter Replacement Fund as a  
5 special, nonlapsing fund; providing certain sources of revenue for the Fund;  
6 requiring the Fund to be used for a certain purpose; requiring the Chief Judge of  
7 the District Court to include a certain item on citation forms designed for traffic  
8 offenses; requiring a certain surcharge to be added to a fine imposed by the  
9 District Court for a conviction for certain moving violations; requiring a police  
10 officer issuing a citation for certain moving violations to add a certain surcharge  
11 to the amount of the total fine before presenting the citation to the driver being  
12 charged; providing for the allocation of surcharges collected under this Act;  
13 requiring certain amounts collected under this Act to be credited to the  
14 Volunteer Company Assistance Fund in certain fiscal years; providing for the  
15 application of this Act; and generally relating to surcharges collected for moving  
16 violations to support the Volunteer Company Assistance Fund and the State  
17 Police Helicopter Replacement Fund.

18 BY repealing and reenacting, with amendments,  
19 Article - Courts and Judicial Proceedings  
20 Section 1-605(d)(8)  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article - Courts and Judicial Proceedings  
25 Section 1-605(d)(9)  
26 Annotated Code of Maryland  
27 (2002 Replacement Volume and 2005 Supplement)

28 BY adding to  
29 Article - Courts and Judicial Proceedings

1 Section 7-301(f )  
2 Annotated Code of Maryland  
3 (2002 Replacement Volume and 2005 Supplement)

4 BY adding to  
5 Article - Public Safety  
6 Section 2-801 to be under the new subtitle "Subtitle 8. State Police Helicopter  
7 Replacement Fund"  
8 Annotated Code of Maryland  
9 (2003 Volume and 2005 Supplement)

10 BY adding to  
11 Article - Transportation  
12 Section 27-101.2  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume and 2005 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 1-605.

19 (d) In addition to the powers and duties granted and imposed in subsections  
20 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the  
21 District Court shall:

22 (8) After consultation with police administrators and the Motor Vehicle  
23 Administrator, design arrest - citation forms that [shall]:

24 (I) SHALL be used by all law enforcement agencies in the State  
25 when charging a person with a criminal, civil, or traffic offense, excepting:

26 [(i)] 1. Violations by juveniles listed in § 3-8A-33(a) of this  
27 article;

28 [(ii)] 2. Violations of parking ordinances or regulations adopted  
29 under Title 26, Subtitle 3 of the Transportation Article; and

30 [(iii)] 3. Other violations as expressly provided by law; and

31 (II) SHALL INCLUDE A LINE ON WHICH TO ADD THE \$50  
32 SURCHARGE ASSESSED UNDER § 27-101.2 OF THE TRANSPORTATION ARTICLE; AND

33 (9) Cause the District Court to print uniform motor vehicle citation  
34 forms and any other uniform statewide citation forms for offenses triable in the  
35 District Court.

1 7-301.

2 (F) (1) IN A TRAFFIC CASE IN WHICH POINTS MAY BE ASSESSED UNDER §  
3 16-402 OF THE TRANSPORTATION ARTICLE, AFTER CONVICTION THE COURT SHALL  
4 ADD A \$50 SURCHARGE TO ANY FINE IMPOSED BY THE COURT.

5 (2) (I) IN FISCAL YEARS 2006 AND 2007, THE FIRST \$20,000,000 IN  
6 SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE  
7 VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE  
8 PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

9 (II) AFTER THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS  
10 PARAGRAPH ARE MET, THE SURCHARGES COLLECTED UNDER THIS SUBSECTION  
11 SHALL BE CREDITED TO THE STATE POLICE HELICOPTER REPLACEMENT FUND, TO  
12 BE USED IN ACCORDANCE WITH THE PROVISIONS OF § 2-801 OF THE PUBLIC SAFETY  
13 ARTICLE.

14 **Article - Public Safety**

15 **SUBTITLE 8. STATE POLICE HELICOPTER REPLACEMENT FUND.**

16 2-801.

17 (A) IN THIS SECTION, "FUND" MEANS THE STATE POLICE HELICOPTER  
18 REPLACEMENT FUND.

19 (B) THERE IS A STATE POLICE HELICOPTER REPLACEMENT FUND.

20 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
21 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
23 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (D) THE FUND CONSISTS OF:

25 (1) MONEY RECEIVED BY THE FUND UNDER § 7-301(F) OF THE COURTS  
26 ARTICLE;

27 (2) INVESTMENT EARNINGS OF THE FUND; AND

28 (3) MONEY RECEIVED BY THE FUND FROM ANY OTHER SOURCE.

29 (E) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE SEPARATELY  
30 ACCOUNTED FOR AND CREDITED TO THE FUND AND ARE NOT SUBJECT TO § 6-226(A)  
31 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (F) THE MONEY IN THE FUND MAY BE USED ONLY FOR THE PROCUREMENT  
33 BY THE DEPARTMENT OF NEW HELICOPTERS AND AUXILIARY HELICOPTER

1 EQUIPMENT, GROUND SUPPORT EQUIPMENT, AND OTHER CAPITAL EQUIPMENT  
2 RELATED TO HELICOPTERS.

3

**Article - Transportation**

4 27-101.2.

5 (A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT  
6 COURT'S SCHEDULE OF PRESET FINES OR PENALTY DEPOSITS, A POLICE OFFICER  
7 ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH POINTS MAY BE  
8 ASSESSED UNDER § 16-402 OF THIS ARTICLE SHALL ADD A \$50 SURCHARGE TO THE  
9 AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE DRIVER  
10 BEING CHARGED.

11 (B) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES  
12 COLLECTED UNDER THIS SECTION AS REQUIRED UNDER § 7-301(F) OF THE COURTS  
13 ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
15 construed to apply only prospectively and may not be applied or interpreted to have  
16 any effect on or application to any violation committed before the effective date of this  
17 Act.

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