
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

Re-referred to: Judiciary and Health and Government Operations, March 6, 2006

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2006

CHAPTER _____

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 that the
15 Baltimore City Fire Department may submit a request for a grant or loan from
16 the Volunteer Company Assistance Fund for certain purposes; requiring a
17 certain amount from a certain surcharge to be paid to the District Court of
18 Maryland for a certain purpose; providing for the application of this Act; and
19 generally relating to surcharges collected for moving violations to support the
20 Volunteer Company Assistance Fund and the State Police Helicopter
21 Replacement Fund.

22 BY repealing and reenacting, with amendments,
23 Article - Courts and Judicial Proceedings
24 Section 1-605(d)(8)

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2005 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article - Courts and Judicial Proceedings
5 Section 1-605(d)(9)
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2005 Supplement)

8 BY adding to
9 Article - Courts and Judicial Proceedings
10 Section 7-301(f)
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2005 Supplement)

13 BY adding to
14 Article - Public Safety
15 Section 2-801 to be under the new subtitle "Subtitle 8. State Police Helicopter
16 Replacement Fund"; and 8-204(e)
17 Annotated Code of Maryland
18 (2003 Volume and 2005 Supplement)

19 BY adding to
20 Article - Transportation
21 Section 27-101.2
22 Annotated Code of Maryland
23 (2002 Replacement Volume and 2005 Supplement)

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

26 **Article - Courts and Judicial Proceedings**

27 1-605.

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

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

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

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

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

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

6 (II) SHALL INCLUDE A LINE ON WHICH TO ADD THE ~~\$50~~ \$7.50
7 SURCHARGE ASSESSED UNDER § 27-101.2 OF THE TRANSPORTATION ARTICLE; AND

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

11 7-301.

12 (F) (1) IN A TRAFFIC CASE IN WHICH POINTS MAY BE ASSESSED UNDER §
13 16-402 OF THE TRANSPORTATION ARTICLE, AFTER CONVICTION THE COURT SHALL
14 ADD A ~~\$50~~ \$7.50 SURCHARGE TO ANY FINE IMPOSED BY THE COURT.

15 ~~(2) (4) IN FISCAL YEARS 2006 AND 2007, THE FIRST \$20,000,000 IN~~
16 ~~SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE~~
17 ~~VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE~~
18 ~~PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.~~

19 ~~(II) AFTER THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS~~
20 ~~PARAGRAPH ARE MET, THE SURCHARGES COLLECTED UNDER THIS SUBSECTION~~
21 ~~SHALL BE CREDITED TO THE STATE POLICE HELICOPTER REPLACEMENT FUND, TO~~
22 ~~BE USED IN ACCORDANCE WITH THE PROVISIONS OF § 2-801 OF THE PUBLIC SAFETY~~
23 ~~ARTICLE.~~

24 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
25 SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED AS
26 FOLLOWS:

27 (I) 50% TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE
28 USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE
29 PUBLIC SAFETY ARTICLE; AND

30 (II) 50% TO THE STATE HELICOPTER REPLACEMENT FUND TO BE
31 USED IN ACCORDANCE WITH THE PROVISIONS OF § 2-801 OF THE PUBLIC SAFETY
32 ARTICLE.

33 (3) AFTER \$20,000,000 IS CREDITED TO THE VOLUNTEER COMPANY
34 ASSISTANCE FUND IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION,
35 100% OF THE SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE
36 CREDITED TO THE STATE POLICE HELICOPTER REPLACEMENT FUND TO BE USED IN
37 ACCORDANCE WITH THE PROVISIONS OF § 2-801 OF THE PUBLIC SAFETY ARTICLE.

1 **Article - Public Safety**

2 SUBTITLE 8. STATE POLICE HELICOPTER REPLACEMENT FUND.

3 2-801.

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

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

7 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
8 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.9 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
10 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

11 (D) THE FUND CONSISTS OF:

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

14 (2) INVESTMENT EARNINGS OF THE FUND; AND

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

16 (E) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE SEPARATELY
17 ACCOUNTED FOR AND CREDITED TO THE FUND AND ARE NOT SUBJECT TO § 6-226(A)
18 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.19 (F) THE MONEY IN THE FUND MAY BE USED ONLY FOR THE PROCUREMENT
20 BY THE DEPARTMENT OF NEW HELICOPTERS AND AUXILIARY HELICOPTER
21 EQUIPMENT, GROUND SUPPORT EQUIPMENT, AND OTHER CAPITAL EQUIPMENT
22 RELATED TO HELICOPTERS.23 8-204.24 (E) THE BALTIMORE CITY FIRE DEPARTMENT MAY SUBMIT A REQUEST FOR A
25 GRANT OR LOAN FROM THE FUND FOR THE PURPOSES SET FORTH IN § 8-203(B) OF
26 THIS SUBTITLE.27 **Article - Transportation**

28 27-101.2.

29 (A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT
30 COURT'S SCHEDULE OF PRESET FINES OR PENALTY DEPOSITS, A POLICE OFFICER
31 ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH POINTS MAY BE
32 ASSESSED UNDER § 16-402 OF THIS ARTICLE SHALL ADD A ~~\$50~~ \$7.50 SURCHARGE TO

1 THE AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE
2 DRIVER BEING CHARGED.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
7 other provision of this Act, in fiscal year 2007, the first \$328,850 in surcharges
8 collected under this Act shall be paid to the District Court of Maryland to pay its costs
9 related to implementation of the surcharge required under this Act.

10 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall be
11 construed to apply only prospectively and may not be applied or interpreted to have
12 any effect on or application to any violation committed before the effective date of this
13 Act.

14 SECTION 3-4. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect ~~July~~ October 1, 2006.