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By: **Senators DeGrange, Hogan, Jones, McFadden, Munson, and Ruben**
Introduced and read first time: February 3, 2006
Assigned to: Budget and Taxation

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A BILL ENTITLED

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; and generally relating to the funding for the Crime
18   Laboratory for the State Police and funding for circuit court law clerks.

19 BY repealing and reenacting, with amendments,
20   Article 41 - Governor - Executive and Administrative Departments
21   Section 4-403
22   Annotated Code of Maryland
23   (2003 Replacement Volume and 2005 Supplement)

24 BY repealing and reenacting, with amendments,
25   Article - Courts and Judicial Proceedings
26   Section 2-512
27   Annotated Code of Maryland
28   (2002 Replacement Volume and 2005 Supplement)

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

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

2 4-403.

3   (a)   As used in this subtitle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17   (11)   Repealed.

18   (12)   "Sworn officer" means:

19   (i)   A law enforcement officer certified by the Police Training
20 Commission; or

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

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

24   2.   Is in training or is functioning as a law enforcement officer
25 pending training.

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

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

1 proportion of 0.09 percent of the wealth base which aggregate expenditures for police
2 protection bear to the equivalent of $6.00 per capita.

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

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

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

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

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

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

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

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

36   (3)   Minimum Grant. The State shall pay to each subdivision the amount,
37 if any, by which the equivalent of $2.50 per capita exceeds the total payments
38 determined under paragraphs (1) and (2) of this subsection. No subdivision for which
39 the population estimate is less than the population estimated for the first year of this
40 grant shall receive in any year a smaller amount of State aid for police protection
41 than it received in any previous year, provided it has not reduced the level of

1 expenditure for police protection which entitled it to the amount of that previous
2 year's grant.

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

7   (5)   Supplemental Grant.

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

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

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

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

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

22   (7)   Minimum Payment in Certain Years. Each subdivision shall be paid
23 that amount, if any, by which the grant paid to the subdivision in the fiscal year
24 ending June 30, 1984 exceeds the total payments determined under paragraphs (1),
25 (2), (3), (4), (5) and (6) of this subsection.

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

31   (c)   The payment received by each subdivision under subsection (b)(1), (2), (3),
32 (4), (6) and (7) of this section shall be paid to each subdivision and qualifying
33 municipality, in the exact proportion which the expenditures for police protection of
34 the subdivision and of each qualifying municipality bear to aggregate expenditures
35 for police protection.

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

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

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

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

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

18   **Article - Courts and Judicial Proceedings**

19 2-512.

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

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

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

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

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

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

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