
By: **Senators DeGrange, Hogan, Jones, McFadden, Munson, and Ruben**

Introduced and read first time: February 3, 2006

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2006

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 ~~certain provisions of law and to distribute the money to the Administrative~~
20 ~~Office of the Courts in a certain amount; and generally relating to ~~the funding~~~~
21 ~~for the Crime Laboratory for the State Police and funding for circuit court law~~
22 ~~clerks.~~
23

24 ~~BY repealing and reenacting, with amendments,~~
25 ~~Article 41—Governor—Executive and Administrative Departments~~
26 ~~Section 4-403~~
27 ~~Annotated Code of Maryland~~

1 ~~(2003 Replacement Volume and 2005 Supplement)~~

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

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

9 **~~Article 41 – Governor – Executive and Administrative Departments~~**

10 ~~4-403.~~

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

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

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

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

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

38 (5) ~~"Net taxable income" shall be the taxable income of individuals under~~
39 ~~Title 10 of the Tax – General Article, as certified by the Comptroller of the Treasury~~

1 for the third completed calendar year preceding the fiscal year for which the
 2 calculation of State aid is to be made. Thus, State aid for the first year of this grant
 3 shall be based on taxable income in calendar year 1965, and State aid in succeeding
 4 years on taxable income in corresponding succeeding calendar years.

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

10 (7) ~~"Qualifying municipality" means a municipality:~~

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

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

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

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

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

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

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

27 (11) ~~Repealed.~~

28 (12) ~~"Sworn officer" means:~~

29 (i) ~~A law enforcement officer certified by the Police Training~~
 30 ~~Commission; or~~

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

32 1. ~~Is hired to attend a police training academy to become a~~
 33 ~~certified law enforcement officer; and~~

34 2. ~~Is in training or is functioning as a law enforcement officer~~
 35 ~~pending training.~~

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

5 (1) Share in Basic Expenditure. If the aggregate expenditures for police
6 protection in a subdivision equal or exceed \$6.00 per capita, the State shall pay to the
7 subdivision the amount, if any, by which the equivalent of \$6.00 per capita exceeds
8 0.09% of the wealth base. If the aggregate expenditures for police protection in a
9 subdivision are less than \$6.00 per capita, the State shall pay to the subdivision the
10 amount, if any, by which aggregate expenditures for police protection exceed that
11 proportion of 0.09 percent of the wealth base which aggregate expenditures for police
12 protection bear to the equivalent of \$6.00 per capita.

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

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

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

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

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

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

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

40 (vii) For subdivisions with population density 8,000 or more per
41 square mile, payment under this paragraph shall be 25% of the amount by which

1 aggregate expenditures for police protection exceed the equivalent of \$6.00 per capita
2 but do not exceed the equivalent of \$36.00 per capita and 50% of the amount by which
3 aggregate expenditures for police protection exceed the equivalent of \$36.00 per
4 capita but do not exceed the equivalent of \$101.50 per capita.

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

13 (4) Incentive Grant. In addition to the payments made under paragraphs
14 (1), (2), and (3) of this subsection, the State shall pay to each subdivision with a
15 population density of less than 500 per square mile, an amount the equivalent of
16 \$2.00 per capita.

17 (5) Supplemental Grant.

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

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

22 2. To Baltimore City, an amount the equivalent of fifty cents
23 per capita.

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

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

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

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

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

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

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

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

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

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

25 Article - Courts and Judicial Proceedings

26 2-512.

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

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

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

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

37 (3) Notwithstanding Title 2, Subtitle 6 of the Tax - General Article, if the
 38 Administrative Office of the Courts certifies to the Comptroller that a county or

1 Baltimore City is more than 90 days in arrears in paying the amounts due under this
2 subsection, the Comptroller shall withhold from the county income tax otherwise due
3 to be distributed to the county or Baltimore City and shall pay to the Administrative
4 Office of the Courts the amount due.]

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

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

13 (2) any money remaining in the fund shall be disbursed as required by §
14 2-512(c) of the Courts and Judicial Proceedings Article as it was in effect on June 30,
15 2006.

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

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