
By: **Senators Lawlah, Colburn, Currie, Exum, Giannetti, Green, and Pinsky**
Introduced and read first time: February 3, 2006
Assigned to: Budget and Taxation

A BILL ENTITLED

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; and generally relating to supplemental grants from the State for
6 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)

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

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

15 4-403.

16 (a) As used in this subtitle:

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

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

22 (3) "Expenditures for police protection" shall be those for the fiscal year
23 immediately preceding the fiscal year for which the calculation of State aid is to be
24 made. Thus, State aid for the first year of this grant (1968-1969) shall be based on
25 "expenditures for police protection" in the fiscal year ending June 30, 1968; State aid
26 for the second year of this grant (1969-1970) shall be based on expenditures in the
27 fiscal year ending June 30, 1969, and so forth. "Expenditures for police protection"
28 means salaries and wages, other operating expenses, capital outlays from current

1 operating funds, and properly identifiable debt service, paid for police protection.
2 Expenditures for sheriffs and constables are included only to the extent that such
3 officers perform police protection functions. Expenditures for traffic control, park
4 police, and a share of the cost of a central alarm system proportionate to its police use,
5 are included. No part of expenditures for collecting from or servicing parking meters,
6 nor of constructing or operating jails, is included.

7 (4) "Adjusted assessed valuation of real property" means 100% of the
8 assessed valuation of the operating real property of public utilities, plus 40% of the
9 assessed valuation of all other real property for State purposes, as reported by the
10 State Department of Assessments and Taxation as of July 1 of the second fiscal year
11 preceding the fiscal year for which the calculation of State aid is to be made, plus 20%
12 of new property assessed between July 1 and December 31 of the second preceding
13 fiscal year. "Real property" means all property classified as real property under §
14 8-101(b) of the Tax - Property Article.

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

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

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

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

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

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

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

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

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

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

3 (12) "Sworn officer" means:

4 (i) A law enforcement officer certified by the Police Training
5 Commission; or

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

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

9 2. Is in training or is functioning as a law enforcement officer
10 pending training.

11 (b) Subject to subsection (d) of this section, for the fiscal year beginning July 1,
12 2004, and thereafter, the State shall pay to each subdivision, and to each qualifying
13 municipality, each year in the manner and subject to the limitations and
14 requirements hereinafter provided, an amount determined as follows:

15 (1) Share in Basic Expenditure. If the aggregate expenditures for police
16 protection in a subdivision equal or exceed \$6.00 per capita, the State shall pay to the
17 subdivision the amount, if any, by which the equivalent of \$6.00 per capita exceeds
18 0.09% of the wealth base. If the aggregate expenditures for police protection in a
19 subdivision are less than \$6.00 per capita, the State shall pay to the subdivision the
20 amount, if any, by which aggregate expenditures for police protection exceed that
21 proportion of 0.09 percent of the wealth base which aggregate expenditures for police
22 protection bear to the equivalent of \$6.00 per capita.

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

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

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

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

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

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

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

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

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

27 (4) Incentive Grant. In addition to the payments made under paragraphs
28 (1), (2), and (3) of this subsection, the State shall pay to each subdivision with a
29 population density of less than 500 per square mile, an amount the equivalent of
30 \$2.00 per capita.

31 (5) Supplemental Grant.

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

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

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

38 3. TO EACH SUBDIVISION THAT BORDERS ANOTHER STATE
39 OR THE DISTRICT OF COLUMBIA, AN AMOUNT THE EQUIVALENT OF \$2.00 PER CAPITA
40 LIVING WITHIN 1 MILE OF THE BORDER.

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

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

9 (7) Minimum Payment in Certain Years. Each subdivision shall be paid
10 that amount, if any, by which the grant paid to the subdivision in the fiscal year
11 ending June 30, 1984 exceeds the total payments determined under paragraphs (1),
12 (2), (3), (4), (5) and (6) of this subsection.

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

18 (c) The payment received by each subdivision under subsection (b)(1), (2), (3),
19 (4), (6) and (7) of this section shall be paid to each subdivision and qualifying
20 municipality, in the exact proportion which the expenditures for police protection of
21 the subdivision and of each qualifying municipality bear to aggregate expenditures
22 for police protection.

23 (d) (1) (i) In this subsection the following words have the meanings
24 indicated.

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

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

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

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

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