

HOUSE BILL 920

E4, B1

71r3003
CF SB 658

By: **Delegates Barkley, Aumann, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Myers, Proctor, Sophocleus, Stocksdale, F. Turner, and Wood**

Introduced and read first time: February 9, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Police Protection – Funding Restoration**

3 FOR the purpose of repealing a requirement that certain payments to subdivisions
4 and municipalities related to law enforcement be reduced by a certain amount;
5 repealing certain definitions relating to the calculation of the amount by which
6 a certain payment to subdivisions and municipalities related to law enforcement
7 be reduced; providing for the application of this Act; and generally relating to
8 certain payments to subdivisions and municipalities related to law enforcement.

9 BY repealing and reenacting, with amendments,
10 Article 41 – Governor – Executive and Administrative Departments
11 Section 4–403
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2006 Supplement)

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

16 **Article 41 – Governor – Executive and Administrative Departments**

17 4–403.

18 (a) As used in this subtitle:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) “Municipality” means any incorporated city or town, except
4 Baltimore City, within Maryland; or where the context requires, the governing body
5 thereof.

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

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

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

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

1 (7) “Qualifying municipality” means a municipality:

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

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

6 (ii) 1. Whose “expenditures for police protection”, as defined
7 above, exceed \$80,000; and

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

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

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

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

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
22 who:

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

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

27 (b) [Subject to subsection (d) of this section, for] **FOR** the fiscal year
28 beginning July 1, 2004, and thereafter, the State shall pay to each subdivision, and to

1 each qualifying municipality, each year in the manner and subject to the limitations
2 and requirements hereinafter provided, an amount determined as follows:

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

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

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

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

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

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

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

33 (vi) For subdivisions with population density 1,300 or more but
34 less than 8,000 per square mile, payment under this paragraph shall be 25% of the
35 amount by which aggregate expenditures for police protection exceed the equivalent of

1 \$6.00 per capita but do not exceed the equivalent of \$36.00 per capita and 50% of the
2 amount by which aggregate expenditures for police protection exceed the equivalent of
3 \$36.00 per capita but do not exceed the equivalent of \$45.50 per capita.

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

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

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

21 (5) Supplemental Grant.

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

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

26 2. To Baltimore City, an amount the equivalent of fifty
27 cents per capita; and

28 3. To each subdivision that borders the District of
29 Columbia, in addition to the amount required under item 1 of this subparagraph, an
30 amount the equivalent of fifty cents per capita living in this State within 1 mile of the
31 border.

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

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

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

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

15 (c) The payment received by each subdivision under subsection (b)(1), (2),
16 (3), (4), (6) and (7) of this section shall be paid to each subdivision and qualifying
17 municipality, in the exact proportion which the expenditures for police protection of
18 the subdivision and of each qualifying municipality bear to aggregate expenditures for
19 police protection.

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

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

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2007, and shall be applicable to all fiscal years beginning after June 30,
7 2008.