

HOUSE BILL 705

E4

8lr0141

By: **Chair, Appropriations Committee (By Request – Departmental – State Police)**

Introduced and read first time: February 4, 2008

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police – School Bus Safety Enforcement Fund – Transfer**
3 **to Governor’s Office of Crime Control and Prevention**

4 FOR the purpose of transferring the administration of the School Bus Safety
5 Enforcement Fund from the Department of State Police to the Governor’s Office
6 of Crime Control and Prevention; transferring the functions of the Secretary of
7 the State Police relating to the School Bus Safety Enforcement Fund to the
8 Executive Director of the Governor’s Office of Crime Control and Prevention;
9 defining a certain term; and generally relating to the Governor’s Office of Crime
10 Control and Prevention and the administration of the School Bus Safety
11 Enforcement Fund.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 4–201 through 4–204
15 Annotated Code of Maryland
16 (2003 Volume and 2007 Supplement)

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

19 **Article – Public Safety**

20 4–201.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) **“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF**
23 **THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(b)] (C) “Fund” means the School Bus Safety Enforcement Fund.

2 [(c)] (D) “Law enforcement agency” means the Department of State Police,
3 the police department of a county or municipal corporation, or a sheriff’s office.

4 [(d)] (E) “School vehicle” has the meaning stated in § 11–154 of the
5 Transportation Article.

6 [(e) “Secretary” means the Secretary of State Police.]

7 4–202.

8 (a) There is a School Bus Safety Enforcement Fund.

9 (b) The purpose of the Fund is to assist law enforcement agencies in
10 addressing the problem of drivers illegally failing to stop for school vehicles.

11 (c) (1) The [Secretary] **EXECUTIVE DIRECTOR** shall administer the
12 Fund.

13 (2) The [Secretary] **EXECUTIVE DIRECTOR** shall receive from the
14 Fund each fiscal year the amount, not exceeding \$50,000 in a fiscal year, necessary to
15 offset its costs in administering this subtitle.

16 (d) (1) The Fund is a special, nonlapsing fund that is not subject to §
17 7–302 of the State Finance and Procurement Article.

18 (2) The Treasurer shall hold the Fund separately and the Comptroller
19 shall account for the Fund in conjunction with the [Secretary] **EXECUTIVE**
20 **DIRECTOR**.

21 (e) The Fund consists of:

22 (1) money credited to the Fund under § 17–106(e) of the
23 Transportation Article;

24 (2) money from any other source accepted for the benefit of the Fund;
25 and

26 (3) investment earnings of the Fund.

27 (f) The Treasurer shall invest the money of the Fund in the same manner as
28 other State money may be invested.

29 (g) Expenditures from the Fund may only be made:

30 (1) in accordance with the State budget; or

1 (2) by the budget amendment procedure as provided in § 7–209 of the
2 State Finance and Procurement Article, if at least 45 days have passed since the
3 budget amendment and supporting information were submitted to the budget
4 committees for their review and comment.

5 4–203.

6 (a) The [Secretary] **EXECUTIVE DIRECTOR** may make grants to law
7 enforcement agencies from the Fund.

8 (b) The [Secretary] **EXECUTIVE DIRECTOR** shall establish procedures for
9 law enforcement agencies to apply for grants from the Fund and for the evaluation of
10 progress in addressing the problem of drivers illegally failing to stop for school
11 vehicles.

12 (c) When making grants from the Fund, the [Secretary] **EXECUTIVE**
13 **DIRECTOR** shall consider:

14 (1) the extent of the problem of drivers illegally failing to stop for
15 school vehicles in the area identified by the law enforcement agency applying for a
16 grant;

17 (2) the law enforcement agency's goals and plans with respect to
18 enhanced enforcement efforts that relate to § 21–706 of the Transportation Article;
19 and

20 (3) other factors that the [Secretary] **EXECUTIVE DIRECTOR**
21 considers appropriate that relate to drivers illegally failing to stop for school vehicles.

22 (d) (1) Except as provided in paragraph (2) of this subsection, the
23 [Secretary] **EXECUTIVE DIRECTOR** may not make a grant from the Fund exceeding
24 \$35,000 in a fiscal year for use in a single county.

25 (2) If money remains available in the Fund after grants are initially
26 awarded in a fiscal year, the [Secretary] **EXECUTIVE DIRECTOR** may make
27 supplemental grants to law enforcement agencies in accordance with procedures
28 established by the [Secretary] **EXECUTIVE DIRECTOR**.

29 (e) A law enforcement agency that receives a grant under this subtitle:

30 (1) may use the grant only in accordance with the terms of the grant
31 for efforts that relate to the enforcement of § 21–706 of the Transportation Article; and

32 (2) shall comply with reporting requirements established by the
33 [Secretary] **EXECUTIVE DIRECTOR** to evaluate:

1 (i) the law enforcement agency's enforcement efforts under the
2 grant; and

3 (ii) statewide enforcement efforts under this subtitle.

4 4-204.

5 On or before September 1 of each year, the [Secretary] **EXECUTIVE DIRECTOR**
6 shall report to the Governor and, subject to § 2-1246 of the State Government Article,
7 to the General Assembly on:

8 (1) the status of the Fund;

9 (2) the grants made under this subtitle;

10 (3) the costs of administering this subtitle; and

11 (4) the effect of this subtitle in reducing the problem of drivers
12 illegally failing to stop for school vehicles.

13 SECTION 2. AND BE IT FURTHER ENACTED, That on July 1, 2008, all the
14 functions, powers, duties, assets, and liabilities of the School Bus Safety Enforcement
15 Fund within the Department of State Police shall be transferred to the Governor's
16 Office of Crime Control and Prevention.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2008.