

HOUSE BILL 707

P3

8lr0140

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 – State Aid for Police Protection Fund – Transfer**
3 **to Governor’s Office of Crime Control and Prevention**

4 FOR the purpose of transferring the administration of the State Aid for Police
5 Protection Fund from the Department of State Police to the Governor’s Office of
6 Crime Control and Prevention; transferring the functions of the Secretary of
7 State Police relating to the State Aid for Police Protection Fund to the Executive
8 Director of the Governor’s Office of Crime Control and Prevention; defining
9 certain terms; altering certain definitions; and generally relating to the transfer
10 of the State Aid for Police Protection Fund to the Governor’s Office of Crime
11 Control and Prevention.

12 BY repealing and reenacting, with amendments,
13 Article 41 – Governor – Executive and Administrative Departments
14 Section 4–403(a) and (b)(8), 4–405, and 4–406
15 Annotated Code of Maryland
16 (2003 Replacement 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 41 – Governor – Executive and Administrative Departments**

20 4–403.

21 (a) As used in this subtitle:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

36 **(7) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR**
37 **OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

38 [(7)] (8) “Qualifying municipality” means a municipality:

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

1 2. That employs at least one qualified full-time police
2 officer, as determined by the [Secretary of State Police] **EXECUTIVE DIRECTOR**; or

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

5 2. That employs at least two qualified part-time police
6 officers, as determined by the [Secretary of State Police] **EXECUTIVE DIRECTOR**,
7 from a county police department or county sheriff’s department.

8 [(8)] **(9)** “Wealth base” of a subdivision means the sum of the
9 “adjusted assessed valuation of real property” and “net taxable income”.

10 [(9)] **(10)** “Aggregate expenditures for police protection” for a
11 subdivision means the sum of “expenditures for police protection”, as defined above, of
12 that subdivision and of every qualifying municipality in that subdivision.

13 [(10)] **(11)** “Equivalent of X dollars per capita” means an amount of
14 money equal to the product of X times the number of people in the particular
15 subdivision.

16 (12) “Sworn officer” means:

17 (i) A law enforcement officer certified by the Police Training
18 Commission; or

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

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

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

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

29 (8) Municipal Sworn Officer Allocation. For fiscal year 2009 and each
30 fiscal year thereafter, the State shall pay to each qualifying municipality, in addition
31 to the payments made under paragraphs (1) through (7) of this subsection an amount
32 equal to \$1,950 for each sworn police officer actually employed on a full-time basis by
33 the qualifying municipality, as determined by the [Secretary of State Police]
34 **EXECUTIVE DIRECTOR**.

1 4-405.

2 (a) If the [Secretary of State Police] **EXECUTIVE DIRECTOR** finds that a
3 county is not complying with the maintenance of effort provisions of § 4-402 of this
4 subtitle, the [Secretary of State Police] **EXECUTIVE DIRECTOR** shall notify the
5 subdivision or qualifying municipality of such noncompliance.

6 (b) If a subdivision or qualifying municipality disputes the finding within 30
7 days of the issuance of such notice, the dispute shall be promptly referred to the
8 Secretary of the Department of Budget and Management, who shall make a final
9 determination.

10 (c) Upon receipt of certification of noncompliance by the [Secretary of State
11 Police] **EXECUTIVE DIRECTOR** or the Secretary of the Department of Budget and
12 Management, as the case may be, the Comptroller shall suspend, until notification of
13 compliance is received, payment of any funds due the subdivision or qualifying
14 municipality for the current fiscal year, as provided in § 4-403 of this subtitle, to the
15 extent that the State's aid due the subdivision or qualifying municipality in the
16 current fiscal year under that section exceeds the amount which the subdivision or
17 qualifying municipality received in the prior fiscal year.

18 4-406.

19 (a) The [Secretary of State Police] **EXECUTIVE DIRECTOR** shall administer
20 the State Aid for Police Protection Fund.

21 (b) The [Secretary of State Police] **EXECUTIVE DIRECTOR** shall:

22 (1) Certify to the Comptroller and to the subdivisions and qualifying
23 municipalities the amount of payments to the subdivisions and qualifying
24 municipalities; and

25 (2) Make such regulations and require such reports as are necessary
26 to certify the amounts.

27 (c) In administering the Fund, the [Secretary of State Police] **EXECUTIVE**
28 **DIRECTOR** shall:

29 (1) Make a continuing effort to establish standards of police protection
30 adequate to the various local situations; and

31 (2) Subject to § 2-1246 of the State Government Article, report
32 periodically to the General Assembly on progress in establishing and meeting those
33 standards, including the payment amounts certified under subsection (b) of this
34 section and any other relevant fiscal information.

1 (d) In determining qualification under § 4-403(a)(7) of this subtitle, the
2 minimum standards determined by the Police Training Commission under authority
3 of Title 3, Subtitle 2 of the Public Safety Article shall be applied.

4 (e) The Police Training Commission shall print and distribute to all
5 municipalities its rules and regulations setting forth the minimum standards of police
6 qualifications.

7 (f) (1) In the event a municipality fails to meet the minimum standards
8 for two successive years, the [Secretary of State Police] **EXECUTIVE DIRECTOR** shall
9 withhold payments to the municipality with respect to the second year.

10 (2) Any payment withheld for noncompliance is forfeited, and a claim
11 may not be made by the municipality for the funds.

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

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