

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

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2008

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) As used in this subtitle:

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

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

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

20 (4) "Adjusted assessed valuation of real property" means 100% of the
21 assessed valuation of the operating real property of public utilities, plus 40% of the
22 assessed valuation of all other real property for State purposes, as reported by the
23 State Department of Assessments and Taxation as of July 1 of the second fiscal year
24 preceding the fiscal year for which the calculation of State aid is to be made, plus 20%
25 of new property assessed between July 1 and December 31 of the second preceding
26 fiscal year. "Real property" means all property classified as real property under §
27 8–101(b) of the Tax – Property Article.

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

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

39 (7) **"EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR**
40 **OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.**

1 [[7)] (8) “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] **EXECUTIVE DIRECTOR**; 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] **EXECUTIVE DIRECTOR**,
10 from a county police department or county sheriff’s department.

11 [[8)] (9) “Wealth base” of a subdivision means the sum of the
12 “adjusted assessed valuation of real property” and “net taxable income”.

13 [[9)] (10) “Aggregate expenditures for police protection” for a
14 subdivision means the sum of “expenditures for police protection”, as defined above, of
15 that subdivision and of every qualifying municipality in that subdivision.

16 [[10)] (11) “Equivalent of X dollars per capita” means an amount of
17 money equal to the product of X times the number of people in the particular
18 subdivision.

19 (12) “Sworn officer” means:

20 (i) A law enforcement officer certified by the Police Training
21 Commission; or

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

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

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

28 (b) Subject to subsection (d) of this section, for the fiscal year beginning July
29 1, 2004, and thereafter, the State shall pay to each subdivision, and to each qualifying
30 municipality, each year in the manner and subject to the limitations and requirements
31 hereinafter provided, an amount determined as follows:

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

7 4-405.

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

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

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

24 4-406.

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

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

28 (1) Certify to the Comptroller and to the subdivisions and qualifying
29 municipalities the amount of payments to the subdivisions and qualifying
30 municipalities; and

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.