

HOUSE BILL 1460

E4

2lr3362

By: **Delegates Conway, Branch, Cluster, and McDermott**

Rules suspended

Introduced and read first time: March 8, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Court Costs – Criminal Cases – Funding for Law Enforcement**

3 FOR the purpose of altering the source of money for the Law Enforcement Equipment
4 Fund; requiring a court to impose on a defendant convicted of a certain crime an
5 additional cost in the case; requiring the Comptroller to deposit a certain
6 amount of each fee collected into the Law Enforcement Equipment Fund;
7 requiring the Comptroller to remit a certain amount of each fee collected to the
8 law enforcement agency that issued the citation or completed the police report
9 associated with the case; altering a certain definition; and generally relating to
10 the payment of costs by defendants in criminal cases.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 4–301 and 4–302
14 Annotated Code of Maryland
15 (2011 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 7–409
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2011 Supplement)

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

23 **Article – Public Safety**

24 4–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(b) “Executive Director” means the Executive Director of the Governor’s Office of Crime Control and Prevention.

(c) “Fund” means the Law Enforcement Equipment Fund.

(d) (1) “Law enforcement equipment” means equipment used for law enforcement purposes.

(2) “Law enforcement equipment” includes body armor, crime tracking technology, photo imaging equipment, **VIDEO RECORDING DEVICES WORN ON THE BODY**, surveillance devices, **ELECTRONIC CONTROL DEVICES**, weapons, ammunition, and communication devices.

(e) “Local law enforcement agency” means the agency of a county or municipal corporation in the State that performs police protection functions.

4–302.

(a) There is a Law Enforcement Equipment Fund.

(b) The purpose of the Fund is to assist local law enforcement agencies in acquiring law enforcement equipment needed to address violent crime.

(c) The Executive Director shall administer the Fund.

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

(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund in conjunction with the Executive Director.

(e) The Fund consists of money:

(1) appropriated in the State budget to the Fund; AND

(2) **RECEIVED BY THE FUND UNDER § 7–409 OF THE COURTS ARTICLE.**

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

(g) As authorized by the Executive Director, the Treasurer shall make payments out of the Fund to local law enforcement agencies.

Article – Courts and Judicial Proceedings

7–409.

(a) (1) In this section the following words have the meanings indicated.

(2) “Crime” means an act committed by a person in the State that is:

(i) A crime under Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4–123.1 of the Agriculture Article;

(ii) A crime under Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;

(iii) A crime under Title 14, Subtitle 29, § 11–810, or § 14–1317 of the Commercial Law Article;

(iv) A crime under § 3–218, § 3–305(c)(2), § 3–409(a) or (c), § 3–803(b), § 3–807(i), § 3–808(d), § 3–811(c), § 8–801, § 8–802, § 9–602(e), § 11–702(d)(8), § 11–703(e)(5)(iii), § 11–708(d)(7)(ii), § 11–711(h)(2), § 11–712(c)(6)(ii), § 11–715(g)(2), § 11–716(h)(2), § 11–723(b)(8), or § 11–726 of the Correctional Services Article;

(v) A crime under the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10–614;

(vi) A crime under the Criminal Procedure Article;

(vii) A crime under Title 5, Subtitle 10A of the Environment Article;

(viii) A crime under § 5–503 of the Family Law Article;

(ix) A crime under Title 12, Subtitle 9 of the Financial Institutions Article;

(x) A crime under Title 20, Subtitle 7 or § 21–259.1 of the Health – General Article;

(xi) A crime under § 8–713.1, § 8–724.1, § 8–725.5, § 8–725.6, § 8–726.1, § 8–738.1, § 8–740.1, or § 10–411(b), as it relates to Harford County, or (d), as it relates to Anne Arundel County or Caroline County, of the Natural Resources Article;

(xii) A crime under Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6–602, § 7–402, or § 12–701 of the Public Safety Article;

- 1 (xiii) A crime under § 14–127 of the Real Property Article;
- 2 (xiv) A violation of the Transportation Article that is punishable
3 by imprisonment;
- 4 (xv) A crime under Article 2B, Title 22 or § 18–104 of the Code;
- 5 (xvi) A crime under Article 24, § 11–512, § 11–513, or § 11–514 of
6 the Code;
- 7 (xvii) A crime under Chapter 110–1 of the Code of Public Local
8 Laws of Caroline County;
- 9 (xviii) A crime under § 4–103 of the Code of Public Local Laws of
10 Carroll County;
- 11 (xix) A crime under § 8A–1 of the Code of Public Local Laws of
12 Talbot County; or
- 13 (xx) A crime at common law.

14 (3) “Offense” means a violation of the Transportation Article that is
15 not punishable by imprisonment.

16 (b) In addition to any other costs required by law, a circuit court shall impose
17 on a defendant convicted of a crime an additional cost of \$45 in the case.

18 (c) In addition to any other costs required by law, the District Court shall
19 impose on a defendant convicted of a crime an additional cost of \$35 in the case.

20 (d) In addition to any other costs required by law, a court shall impose on a
21 defendant convicted of an offense an additional cost of \$3 in the case, including cases
22 in which the defendant elects to waive the right to trial and pay the fine or penalty
23 deposit established by the Chief Judge of the District Court by administrative
24 regulation.

25 **(E) (1) IN ADDITION TO ANY OTHER COSTS REQUIRED BY LAW, A**
26 **COURT SHALL IMPOSE ON A DEFENDANT CONVICTED OF A FELONY AN**
27 **ADDITIONAL COST OF \$7.50 IN THE CASE.**

28 **(2) IN ADDITION TO ANY OTHER COSTS REQUIRED BY LAW, A**
29 **COURT SHALL IMPOSE ON A DEFENDANT CONVICTED OF A MISDEMEANOR THAT**
30 **DID NOT RESULT FROM A VIOLATION OF THE TRANSPORTATION ARTICLE AN**
31 **ADDITIONAL COST OF \$7.50 IN THE CASE.**

1 ~~[(e)]~~ **(F)** (1) All money collected under this section shall be paid to the
2 Comptroller of the State.

3 (2) The Comptroller shall deposit \$22.50 from each fee collected under
4 subsection (b) of this section from a circuit court and \$12.50 from each fee collected
5 under subsection (c) of this section from the District Court into the State Victims of
6 Crime Fund established under § 11–916 of the Criminal Procedure Article.

7 (3) The Comptroller shall deposit \$2.50 from each fee collected under
8 subsections (b) and (c) of this section into the Victim and Witness Protection and
9 Relocation Fund established under § 11–905 of the Criminal Procedure Article.

10 **(4) THE COMPTROLLER SHALL DEPOSIT \$3.75 FROM EACH FEE**
11 **COLLECTED UNDER SUBSECTION (E) OF THIS SECTION INTO THE LAW**
12 **ENFORCEMENT EQUIPMENT FUND ESTABLISHED UNDER § 4–302 OF THE**
13 **PUBLIC SAFETY ARTICLE.**

14 **(5) THE COMPTROLLER SHALL REMIT \$3.75 FROM EACH FEE**
15 **COLLECTED UNDER SUBSECTION (E) OF THIS SECTION TO THE LAW**
16 **ENFORCEMENT AGENCY THAT ISSUED THE CITATION OR COMPLETED THE**
17 **POLICE REPORT ASSOCIATED WITH THE CASE.**

18 ~~[(4)]~~ **(6)** The Comptroller shall deposit all other moneys collected
19 under subsections (b) and (c) of this section into the Criminal Injuries Compensation
20 Fund established under § 11–819 of the Criminal Procedure Article.

21 ~~[(f)]~~ **(G)** (1) From the first \$500,000 in fees collected under subsection (d)
22 of this section in each fiscal year, the Comptroller shall deposit one–half of each fee
23 into the State Victims of Crime Fund and one–half of each fee into the Criminal
24 Injuries Compensation Fund.

25 (2) For fees collected under subsection (d) of this section in excess of
26 \$500,000 in each fiscal year, the Comptroller shall deposit the entire fee into the
27 Criminal Injuries Compensation Fund.

28 ~~[(g)]~~ **(H)** A political subdivision may not be held liable under any condition
29 for the payment of sums under this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2012.