

SENATE BILL 37

E2, E4

7lr0024

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Office of Crime Control and Prevention)**

Requested: September 19, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Funds – Obsolete Provisions – Repeal**

3 FOR the purpose of repealing provisions of law establishing the Maryland Drug and Alcohol
4 Grants Program Fund; repealing the authorization for the Governor’s Office of Crime
5 Control and Prevention to establish certain grants programs; repealing provisions of
6 law establishing the Law Enforcement Equipment Fund; repealing certain
7 requirements and procedures relating to the Law Enforcement Equipment Fund;
8 repealing provisions of law establishing the DNA Technology Fund; repealing certain
9 requirements and procedures relating to the DNA Technology Fund; repealing
10 certain reporting requirements; repealing definitions for certain terms; and
11 generally relating to certain obsolete funds and the Governor’s Office of Crime
12 Control and Prevention.

13 BY repealing

14 Article – Criminal Law

15 Section 5–1001 and 5–1002 and the subtitle “Subtitle 10. Drug and Alcohol Grants
16 Program and Fund”

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2016 Supplement)

19 BY repealing

20 Article – Public Safety

21 Section 4–301 through 4–304 and the subtitle “Subtitle 3. Law Enforcement
22 Equipment Fund”; and 4–401 through 4–404 and the subtitle “Subtitle 4.
23 DNA Technology Fund”

24 Annotated Code of Maryland

25 (2011 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 [Subtitle 10. Drug and Alcohol Grants Program and Fund.]

5 [5–1001.

6 (a) The Governor’s Office of Crime Control and Prevention may establish a grants
7 program for neighborhood crime prevention programs and drug and alcohol abuse
8 education, prevention, treatment, adjudication, and law enforcement programs.

9 (b) The Governor’s Office of Crime Control and Prevention shall adopt regulations
10 to carry out a grants program established under this section.]

11 [5–1002.

12 (a) In this section, “fund” means the Maryland Drug and Alcohol Grants Program
13 Fund.

14 (b) (1) There is a Maryland Drug and Alcohol Grants Program Fund.

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

17 (3) The fund consists of money appropriated in the State budget to the
18 fund, all earnings from investment of money in the fund, and other money accepted for the
19 benefit of the fund from a governmental or private source.

20 (4) The State Treasurer shall hold the fund separately.

21 (5) The State Comptroller shall account for the fund.

22 (6) The fund shall be invested and reinvested in the same manner as other
23 State funds.

24 (7) The Comptroller shall pay out money from the fund as directed by the
25 Governor’s Office of Crime Control and Prevention or as approved in the State budget.

26 (8) The fund is subject to audit by the Office of Legislative Audits under §
27 2–1220 of the State Government Article.

28 (c) The purpose of the fund is to provide grant money for neighborhood crime
29 prevention programs and drug and alcohol abuse education, prevention, treatment, and
30 law enforcement programs under this subtitle.

1 (d) (1) Administrative expenditures under this section may be made only in
2 accordance with the State budget.

3 (2) The Governor's Office of Crime Control and Prevention shall administer
4 the fund in accordance with this section and all other applicable law.

5 (3) Disbursements from the fund shall supplement and may not substitute
6 for money designated in the State budget for neighborhood crime prevention programs and
7 drug and alcohol abuse education, prevention, treatment, and law enforcement programs.

8 (4) If the terms of a grant allow, a recipient may expend grant money
9 beyond the fiscal year in which the grant is received.

10 (5) The Governor's Office of Crime Control and Prevention shall include
11 information on disbursements from the fund during the prior fiscal year in the annual
12 report submitted to the General Assembly under § 11-1006 of the Criminal Procedure
13 Article.

14 (e) (1) This subsection does not apply to a program that has received funds
15 from the Hotspot Communities Initiative administered by the Governor's Office of Crime
16 Control and Prevention.

17 (2) To the extent possible, the Governor's Office of Crime Control and
18 Prevention shall allocate at least 10% of the grants provided from the fund to programs
19 that provide services in two or more counties of the State.]

20 Article – Public Safety

21 [Subtitle 3. Law Enforcement Equipment Fund.]

22 [4-301.

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

24 (b) "Executive Director" means the Executive Director of the Governor's Office of
25 Crime Control and Prevention.

26 (c) "Fund" means the Law Enforcement Equipment Fund.

27 (d) (1) "Law enforcement equipment" means equipment used for law
28 enforcement purposes.

29 (2) "Law enforcement equipment" includes body armor, crime tracking
30 technology, photo imaging equipment, surveillance devices, weapons, ammunition, and
31 communication devices.

1 (e) "Local law enforcement agency" means the agency of a county or municipal
2 corporation in the State that performs police protection functions.]

3 [4-302.

4 (a) There is a Law Enforcement Equipment Fund.

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

7 (c) The Executive Director shall administer the Fund.

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

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

12 (e) The Fund consists of money appropriated in the State budget to the Fund.

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

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

17 [4-303.

18 (a) The Executive Director shall establish procedures for local law enforcement
19 agencies to apply for money from the Fund, with priority given to those jurisdictions with
20 the highest incidence of violent crime.

21 (b) A local law enforcement agency that applies for money from the Fund shall
22 provide the Executive Director with:

23 (1) information on the number of violent crime incidents committed within
24 the jurisdiction of the local law enforcement agency for the last 2 years; and

25 (2) any other information that the Executive Director considers necessary
26 to make grants for law enforcement equipment.

27 (c) In accordance with the State budget, the Executive Director shall make grants
28 to local law enforcement agencies to purchase or replace law enforcement equipment based
29 on the comparative needs of each local law enforcement agency as determined from the
30 information provided under subsection (b) of this section.

1 (d) After a local law enforcement agency receives notice from the Executive
2 Director of a grant, the local law enforcement agency shall submit to the Executive Director
3 proof of expenditures on law enforcement equipment.

4 (e) Money distributed under this subtitle shall be used to supplement, not
5 supplant, other local law enforcement funding.]

6 [4-304.

7 On or before September 1 of each year, the Executive Director shall report to the
8 Governor and, subject to § 2-1246 of the State Government Article, to the General
9 Assembly on the distribution of money under this subtitle.]

10 [Subtitle 4. DNA Technology Fund.]

11 [4-401.

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

13 (b) “DNA” means deoxyribonucleic acid.

14 (c) “DNA technology equipment” means equipment used for DNA testing
15 purposes, including the purposes listed in § 2-505 of this article.

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

18 (e) “Fund” means the DNA Technology Fund.

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

21 [4-402.

22 (a) There is a DNA Technology Fund.

23 (b) The purpose of the Fund is to assist the Department of State Police and local
24 law enforcement agencies in acquiring DNA technology equipment needed to test DNA
25 samples.

26 (c) The Executive Director shall administer the Fund.

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

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

3 (e) The Fund consists of money received from any private entity or federal agency
4 for the purpose of collecting and testing DNA samples.

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

7 (g) The State Treasurer shall make payments out of the Fund to the Department
8 of State Police and local law enforcement agencies if the Executive Director authorizes the
9 payments.]

10 [4-403.

11 (a) The Executive Director shall establish procedures for the Department of State
12 Police and local law enforcement agencies to use when applying for money from the Fund.

13 (b) An applicant shall provide the Executive Director with any information the
14 Executive Director considers necessary to make grants for DNA technology equipment.

15 (c) The Executive Director shall make grants to the Department of State Police
16 and local law enforcement agencies to purchase or replace DNA technology equipment
17 based on the needs of the Department of State Police and the comparative need of each
18 local law enforcement agency as determined from the information provided under
19 subsection (b) of this section.

20 (d) After the Department of State Police or a local law enforcement agency
21 receives notice from the Executive Director of a grant award, the Department of State Police
22 or the local law enforcement agency shall submit proof of expenditures on DNA technology
23 equipment to the Executive Director.]

24 [4-404.

25 On or before September 1 of each year, the Executive Director shall report to the
26 Governor and, subject to § 2-1246 of the State Government Article, the General Assembly
27 on the distribution of money under this subtitle.]

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2017.