

HOUSE BILL 1732

E4

8lr3880

By: **Delegate Haynes**

Introduced and read first time: February 19, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Youth Crime Prevention and Diversion Parole Fund –**
3 **Establishment**

4 FOR the purpose of establishing the Youth Crime Prevention and Diversion Parole Fund
5 as a special, nonlapsing fund; specifying the purpose, use, and contents of the Fund;
6 requiring the Executive Director of the Governor’s Office of Crime Control and
7 Prevention to administer the Fund; requiring the State Treasurer to hold the Fund
8 separately and the Comptroller, in conjunction with the Executive Director, to
9 account for the Fund; requiring the Governor to appropriate annually a certain
10 amount for the Fund; providing for the investment of money in and expenditures
11 from the Fund; providing that expenditures from the Fund may be made only in
12 accordance with the State budget; providing that the accounts and transactions of
13 the Fund shall be subject to a certain audit; requiring the Executive Director to
14 establish certain procedures for the disbursement of money from the Fund and,
15 subject to a certain priority, award grants from the Fund; requiring that an applicant
16 provide the Executive Director with certain information; specifying that money
17 distributed from the Fund shall be used to supplement, and not supplant, certain
18 other funding; defining certain terms; and generally relating to the Youth Crime
19 Prevention and Diversion Parole Fund.

20 BY adding to

21 Article – Public Safety

22 Section 4–801 through 4–803 to be under the new subtitle “Subtitle 8. Youth Crime
23 Prevention and Diversion Parole Fund”

24 Annotated Code of Maryland

25 (2011 Replacement Volume and 2017 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – State Finance and Procurement

28 Section 6–226(a)(2)(i)

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2015 Replacement Volume and 2017 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – State Finance and Procurement
4 Section 6–226(a)(2)(ii)101. and 102.
5 Annotated Code of Maryland
6 (2015 Replacement Volume and 2017 Supplement)

7 BY adding to
8 Article – State Finance and Procurement
9 Section 6–226(a)(2)(ii)103.
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2017 Supplement)

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

14 **Article – Public Safety**

15 **SUBTITLE 8. YOUTH CRIME PREVENTION AND DIVERSION PAROLE FUND.**

16 **4–801.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
20 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

21 (C) “FUND” MEANS THE YOUTH CRIME PREVENTION AND DIVERSION
22 PAROLE FUND.

23 (D) “LOCAL LAW ENFORCEMENT AGENCY” MEANS A POLICE DEPARTMENT
24 OF A COUNTY OR MUNICIPALITY.

25 (E) “OFFENDER” HAS THE MEANING INDICATED IN § 6–101 OF THE
26 CORRECTIONAL SERVICES ARTICLE.

27 **4–802.**

28 (A) THERE IS A YOUTH CRIME PREVENTION AND DIVERSION PAROLE
29 FUND.

30 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANT ASSISTANCE TO
31 LOCAL LAW ENFORCEMENT AGENCIES TO POLICE HIGH–CRIME AREAS.

1 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

2 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
3 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

4 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY
5 AND THE COMPTROLLER, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR,
6 SHALL ACCOUNT FOR THE FUND.

7 (E) (1) THE FUND CONSISTS OF:

8 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
9 FUND;

10 (II) INVESTMENT EARNINGS OF THE FUND; AND

11 (III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
12 BENEFIT OF THE FUND.

13 (2) THE GOVERNOR SHALL APPROPRIATE ANNUALLY AT LEAST
14 \$500,000 FOR THE FUND.

15 (F) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO LOCAL LAW
16 ENFORCEMENT AGENCIES TO POLICE HIGH-CRIME AREAS.

17 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
18 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

19 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
20 THE FUND.

21 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
22 WITH THE STATE BUDGET.

23 (I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT
24 TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE
25 GOVERNMENT ARTICLE.

26 4-803.

27 (A) (1) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR
28 LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND.

1 **(2) A LOCAL LAW ENFORCEMENT AGENCY THAT APPLIES FOR A**
 2 **GRANT FROM THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY**
 3 **INFORMATION THE EXECUTIVE DIRECTOR DEEMS NECESSARY.**

4 **(B) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE FUND TO**
 5 **LOCAL LAW ENFORCEMENT AGENCIES, WITH PRIORITY GIVEN TO THOSE**
 6 **JURISDICTIONS WITH THE HIGHEST NUMBER OF OFFENDERS.**

7 **(C) MONEY DISBURSED FROM THE FUND SHALL BE USED TO SUPPLEMENT,**
 8 **AND NOT SUPPLANT, ANY OTHER FUNDING THAT WOULD OTHERWISE BE AVAILABLE**
 9 **TO LOCAL LAW ENFORCEMENT AGENCIES.**

10 **Article – State Finance and Procurement**

11 6–226.

12 (a) (2) (i) Notwithstanding any other provision of law, and unless
 13 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 14 terms of a gift or settlement agreement, net interest on all State money allocated by the
 15 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 16 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 17 Fund of the State.

18 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 19 to the following funds:

20 101. the Advance Directive Program Fund; [and]

21 102. the Make Office Vacancies Extinct Matching Fund; AND

22 **103. THE YOUTH CRIME PREVENTION AND DIVERSION**
 23 **PAROLE FUND.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 25 1, 2018.