



Maryland

DEPARTMENT OF BUDGET
AND MANAGEMENT

LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lieutenant Governor

DAVID R. BRINKLEY
Secretary

MARC L. NICOLE
Deputy Secretary

HOUSE BILL 638 State Government – Attorney General – Independent Investigations Division (Atterbeary)

STATEMENT OF INFORMATION

DATE: March 1, 2022

COMMITTEE: House Judiciary

SUMMARY OF BILL: HB 638 renames the Independent Investigative Unit in the Office of the Attorney General as the Independent Investigations Division, which is the primary investigative unit for police-involved incidents that result in the death of civilians or injuries likely to result in death; gives the Division the first opportunity to prosecute the police officer; and mandates a \$5 million appropriation in FY 2024 and each fiscal year thereafter, which may not supplant funding provided to the Division.

EXPLANATION: The Department of Budget and Management's focus is not on the underlying policy proposal being advanced by the legislation, but rather on the \$5 million annual mandated appropriation provision that impacts the FY 2024 and subsequent budgets. The FY 2023 Budget allocation provides \$1.9 million for the Independent Investigative Unit in the Office of Attorney General.

DBM has the responsibility of submitting a balanced budget to the General Assembly annually, which will require spending allocations for FY 2024 to be within the official revenues estimates approved by the Board of Revenue Estimates in December 2022.

Changes to the Maryland Constitution in 2020 provide the General Assembly with additional budgetary authority, beginning in the 2023 Session, to realign total spending by increasing and adding items to appropriations in the budget submitted by the Governor. The legislature's new budgetary power diminishes, if not negates, the need for mandated appropriation bills.

Fully funding the implementation of the Blueprint for Maryland's Future (Kirwan) will require fiscal discipline in the years ahead, if the State is to maintain the current projected structural budget surpluses. Mandated spending increases need to be reevaluated within the context of this education funding priority and the Governor's tax relief proposals.

Economic conditions remain precarious as a result of COVID-19. High rates of inflation and workforce shortages may be short lived or persist, thereby impacting the Maryland economy. While current budget forecasts project structural surpluses, the impact of the ongoing COVID-19 pandemic continues to present a significant budgetary vulnerability. The Department continues to urge the General Assembly to focus on maintaining the structural budget surplus.

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