

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

Senate Bill 927 (Senator Benson)
Education, Health, and Environmental Affairs

Alarm Systems - Registration and Renewal - Penalties

This bill authorizes counties and municipalities to impose a penalty against an alarm system contractor for failure to register an alarm system or renew a registration of an alarm system only if (1) the alarm system contractor requested an emergency dispatch to an alarm user; (2) the alarm user or the alarm system contractor failed to register the alarm system or renew an alarm system's registration; and (3) the alarm system contractor or alarm user failed to register the alarm system or renew the alarm system's registration within 10 calendar days of the requested emergency dispatch.

Fiscal Summary

State Effect: None.

Local Effect: Potential increase in local revenues and expenditures beginning in FY 2019, depending on the local jurisdiction's current false alarm regulations and enforcement procedures.

Small Business Effect: Minimal.

Analysis

Current Law: The following counties have alarm or false alarm provisions in their local codes: Baltimore City and Anne Arundel, Baltimore, Calvert, Charles, Dorchester, Frederick, Harford, Howard, Montgomery, Prince George's, Talbot, Washington, Wicomico, and Worcester counties.

The following counties do not have alarm or false alarm provisions in their local codes: Allegany, Caroline, Carroll, Cecil, Garrett, Kent, Queen Anne's, St. Mary's, and Somerset counties.

State statute only addresses the regulation of alarm systems in Calvert, Frederick, and Washington counties under Section 12-806 of the Local Government Article. Statute authorizes these counties to adopt regulations for the regulation of alarm systems and to impose fines for violations. An alarm system contractor is defined as a person who installs, maintains, monitors, alters, or services an alarm system. An alarm user is a person in control of an alarm system in, on, or around any building, structure, facility, or site. An alarm user includes the owner or lessee of an alarm system.

Background:

Baltimore County

In Baltimore County, an alarm system monitor is required to register each commercial or residential alarm system before the alarm system causes contact with police personnel or results in a police response to the alarm system user's property (Baltimore County Code 12-11-205 and 206). A violation is a civil citation.

Montgomery County

The False Alarm Reduction Section (FARS) of the Montgomery County Police Department was created to administer the county's alarm law. The main function of FARS is to reduce the number of false alarms to which police respond each year. FARS licenses alarm companies and registers alarm users. It also sends notifications of false alarms and assesses penalties for excessive false alarms to alarm users. In addition, FARS certifies that required inspections and upgrades to alarm systems occur and addresses informal appeals regarding the false designation of alarm activations.

A false alarm is any alarm signal that requires a response by police personnel and for which there is no evidence of criminal activity to justify a police response. If a police officer responds to an alarm signal and, after investigation finds no evidence that criminal activity either had occurred or was occurring, the officer will designate the alarm signal as a false alarm. A false alarm may be caused by factors such as human error or equipment malfunction.

In Montgomery County, all alarm users are allowed one false alarm in a calendar year. False alarm response fees are then imposed for each subsequent false alarm in a calendar year. The false alarm response fee for residential and commercial alarm users begin at \$25 for second false alarm, and then fees increase to \$1,000 per false alarm for residential

alarm users and \$4,000 per false alarm for commercial alarm users. On the third false alarm in a calendar year, the alarm user must have the alarm system inspected by a licensed alarm company to ensure that all mechanical components of the alarm system are in good operating condition. This also provides an alarm company the opportunity to re-educate all those using the system on its proper use. On the sixth false alarm in a calendar year, the alarm user must have the alarm system upgraded to meet current county installation standards.

Alarm users are considered to be in violation of the alarm law if they fail to (1) register an alarm system; (2) pay required false alarm response fees; or (3) upgrade the alarm system, if required.

Alarm companies may not request a police dispatch for seven days after registering the alarm system, unless there is a waiver granted by FARS due to imminent danger to people or property.

Local Fiscal Effect: Potential increase in local revenues and expenditures beginning in fiscal 2019, depending on the local jurisdiction's current false alarms regulations and enforcement procedures. Local jurisdictions may incur increased administrative costs as well as realize increases in fine revenue. Baltimore and Montgomery counties report that the bill could significantly impact their current false alarm enforcement practices.

Baltimore County

Baltimore County advises that the bill will void sections 12-11-205 and 206 of the Baltimore County Code and will give an alarm company a 10-day period after a police response to an alarm activation before the county can assess a penalty. The county indicates the current civil citation provides the motivation for alarm companies to register their customers before a false alarm penalty is charged.

The county reports that it averages approximately 250 unregistered alarm systems a year and the bill could increase that by as much as 10 times, which will significantly increase the current staff's workload. A significant increase in workload of the current staff, without an increase in personnel, may lead to reductions in current enforcement efforts, which may result in decreased penalty revenue for the county.

Montgomery County

The Montgomery County Police Department advises that the bill conflicts with the county's alarm law and will provide a 10-day period for requesting a police response for an unregistered alarm user, before the monitoring company can be held accountable. The county reports that this may reduce the incentive for alarm monitoring companies to ensure

their users are properly registered and increase the workload for FARS related to additional tracking of unregistered users. This may also result in reduced revenues in civil penalties received. The police department estimates that expenditures may increase by as much as \$150,000 annually.

Additional Information

Prior Introductions: None.

Cross File: HB 1117 (Delegate Branch) - Economic Matters.

Information Source(s): Baltimore and Montgomery counties; City of College Park; Maryland Municipal League; Department of State Police; Maryland Institute for Emergency Medical Services Systems; Department of Legislative Services

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Analysis by: Michael Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510