

HOUSE BILL 564

E4

7lr1551

By: **Delegates Jackson, Anderson, Atterbeary, Barron, Brooks, Chang, Clippinger, Fennell, Hayes, C. Howard, Knotts, Krebs, McConkey, McCray, McKay, Morales, Pena–Melnyk, Proctor, Sanchez, Sydnor, Tarlau, B. Wilson, and C. Wilson**

Introduced and read first time: January 30, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Maryland Police Training and Standards Commission Fund –**
3 **Establishment**

4 FOR the purpose of requiring the Comptroller to pay annually a certain portion of certain
5 court costs collected by the District Court to the Maryland Police Training and
6 Standards Commission Fund; establishing the Maryland Police Training and
7 Standards Commission Fund as a special, nonlapsing fund; specifying the purpose
8 of the Fund; requiring the Department of Public Safety and Correctional Services to
9 administer the Fund; requiring the State Treasurer to hold the Fund and the State
10 Comptroller to account for the Fund; specifying the contents of the Fund; specifying
11 the purpose for which the Fund may be used; providing for the investment of money
12 in and expenditures from the Fund; requiring certain distributions from the Fund to
13 be used to supplement and not supplant certain other funds; specifying that the Fund
14 is subject to a certain audit; exempting the Fund from a certain provision of law
15 requiring interest on State money in special funds to accrue to the General Fund of
16 the State; defining certain terms; and generally relating to the establishment and
17 use of the Maryland Police Training and Standards Commission Fund.

18 BY repealing and reenacting, without amendments,
19 Article – Courts and Judicial Proceedings
20 Section 7–301(a) and (b)
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2016 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Courts and Judicial Proceedings
25 Section 7–301(e)
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2013 Replacement Volume and 2016 Supplement)

2 BY adding to

3 Article – Public Safety

4 Section 3–206.1

5 Annotated Code of Maryland

6 (2011 Replacement Volume and 2016 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article – State Finance and Procurement

9 Section 6–226(a)(2)(i)

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – State Finance and Procurement

14 Section 6–226(a)(2)(ii)94. and 95.

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2016 Supplement)

17 BY adding to

18 Article – State Finance and Procurement

19 Section 6–226(a)(2)(ii)96.

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2016 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

24 **Article – Courts and Judicial Proceedings**

25 7–301.

26 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the
27 court costs in a traffic case, including parking and impounding cases, cases under §
28 21–202.1, § 21–809, § 21–810, § 21–1414, or § 24–111.3 of the Transportation Article in
29 which costs are imposed, and cases under § 10–112 of the Criminal Law Article in which
30 costs are imposed:

31 (i) Are \$22.50; and

32 (ii) Shall also be applicable to those cases in which the defendant
33 elects to waive the defendant's right to trial and pay the fine or penalty deposit established
34 by the Chief Judge of the District Court by administrative regulation.

35 (2) In an uncontested case under § 21–202.1, § 21–809, § 21–810, §
36 21–1414, or § 24–111.3 of the Transportation Article, an uncontested case under § 10–112

1 of the Criminal Law Article, or an uncontested parking or impounding case in which the
2 fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs
3 shall be paid to and retained by the political subdivision or municipality.

4 (3) (i) In an uncontested case in which the fine is paid directly to an
5 agency of State government authorized by law to regulate parking of motor vehicles, the
6 court costs are \$2.00.

7 (ii) The fine and the costs under this paragraph shall be paid to the
8 agency, which shall receive and account for these funds as in all other cases involving sums
9 due the State through a State agency.

10 (b) (1) The court costs in a criminal case in which costs are imposed are \$22.50.

11 (2) The costs shall be in addition to any costs imposed in a criminal case
12 under the Criminal Injuries Compensation Act.

13 (e) The Comptroller shall annually pay from the court costs collected by the
14 District Court under subsections (a) and (b)(1) of this section:

15 (1) \$500,000 into the Criminal Injuries Compensation Fund established
16 under § 11-819 of the Criminal Procedure Article; [and]

17 (2) \$125,000 into the Victim and Witness Protection and Relocation Fund
18 established under § 11-905 of the Criminal Procedure Article; AND

19 **(3) \$2,000,000 INTO THE MARYLAND POLICE TRAINING AND**
20 **STANDARDS COMMISSION FUND ESTABLISHED UNDER § 3-206.1 OF THE PUBLIC**
21 **SAFETY ARTICLE.**

22 **Article – Public Safety**

23 **3-206.1.**

24 **(A) IN THIS SECTION, “FUND” MEANS THE MARYLAND POLICE TRAINING**
25 **AND STANDARDS COMMISSION FUND.**

26 **(B) THERE IS A MARYLAND POLICE TRAINING AND STANDARDS**
27 **COMMISSION FUND.**

28 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR ACTIVITIES**
29 **AND TRAINING BY THE COMMISSION.**

30 **(D) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**
31 **SHALL ADMINISTER THE FUND.**

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

3 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
4 **AND THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

5 **(F) THE FUND CONSISTS OF:**

6 **(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 7-301 OF THE**
7 **COURTS ARTICLE;**

8 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

9 **(3) INTEREST EARNINGS OF THE FUND; AND**

10 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
11 **THE BENEFIT OF THE FUND.**

12 **(G) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING TO THE**
13 **COMMISSION.**

14 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
15 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

16 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
17 **THE FUND.**

18 **(I) (1) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
19 **ACCORDANCE WITH THE STATE BUDGET.**

20 **(2) MONEY DISTRIBUTED FROM THE FUND SHALL BE USED TO**
21 **SUPPLEMENT, BUT NOT SUPPLANT ANY OTHER FUNDING FOR THE COMMISSION.**

22 **(J) THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR**
23 **AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

24 **Article – State Finance and Procurement**

25 **6-226.**

26 **(a) (2) (i) Notwithstanding any other provision of law, and unless**
27 **inconsistent with a federal law, grant agreement, or other federal requirement or with the**
28 **terms of a gift or settlement agreement, net interest on all State money allocated by the**

1 State Treasurer under this section to special funds or accounts, and otherwise entitled to
2 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
3 Fund of the State.

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

6 94. the Community Program Fund; [and]

7 95. the Maryland Corps Program Fund; AND

8 96. **THE MARYLAND POLICE TRAINING AND STANDARDS**
9 **COMMISSION FUND.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2017.