

SENATE BILL 631

E2

7lr1832
CF 7lr1546

By: **Senators Madaleno, Kelley, King, and Smith**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Abuse Emergency Compensation Fund – Establishment**

3 FOR the purpose of requiring certain fines to be remitted to the Animal Abuse Emergency
4 Compensation Fund; establishing the Animal Abuse Emergency Compensation
5 Fund; providing for the uses, purposes, sources of funding, investment of money, and
6 auditing of the Fund; requiring the Executive Director of the Governor’s Office of
7 Crime Control and Prevention (GOCCP) to administer the Fund; providing that the
8 Fund is a continuing, nonlapsing fund not subject to certain provisions of law;
9 requiring interest earnings of the Fund to be credited to the Fund; exempting the
10 Fund from a certain provision of law requiring interest on State money in special
11 funds to accrue to the General Fund of the State; defining certain terms; and
12 generally relating to the Animal Abuse Emergency Compensation Fund.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 7–302(a)
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2016 Supplement)

18 BY adding to
19 Article – Courts and Judicial Proceedings
20 Section 7–302(h)
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2016 Supplement)

23 BY adding to
24 Article – Criminal Law
25 Section 10–626
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
 2 Article – State Finance and Procurement
 3 Section 6–226(a)(2)(i)
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2016 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – State Finance and Procurement
 8 Section 6–226(a)(2)(ii)94. and 95.
 9 Annotated Code of Maryland
 10 (2015 Replacement Volume and 2016 Supplement)

11 BY adding to
 12 Article – State Finance and Procurement
 13 Section 6–226(a)(2)(ii)96.
 14 Annotated Code of Maryland
 15 (2015 Replacement Volume and 2016 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 7–302.

20 (a) Except as provided in subsections (b) through [(g)] (H) of this section, the
 21 clerks of the District Court shall:

22 (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

23 (2) Remit them to the State under a system agreed upon by the Chief Judge
 24 of the District Court and the Comptroller.

25 **(H) THE CLERKS OF THE DISTRICT COURT SHALL:**

26 **(1) COLLECT THE FINES, FORFEITURES, AND PENALTIES IMPOSED BY**
 27 **THE COURT FOR VIOLATIONS OF §§ 10–604, 10–606, 10–607, AND 10–608 OF THE**
 28 **CRIMINAL LAW ARTICLE; AND**

29 **(2) REMIT THE FINES, FORFEITURES, AND PENALTIES TO THE**
 30 **ANIMAL ABUSE EMERGENCY COMPENSATION FUND ESTABLISHED UNDER § 10–626**
 31 **OF THE CRIMINAL LAW ARTICLE.**

32 **Article – Criminal Law**

33 **10–626.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) “ANIMAL CONTROL UNIT” HAS THE MEANING STATED IN § 10-617
4 OF THIS SUBTITLE.

5 (3) “ANIMAL WELFARE ORGANIZATION” MEANS A NOT-FOR-PROFIT
6 ORGANIZATION ESTABLISHED TO PROMOTE ANIMAL WELFARE THAT HAS RECEIVED
7 TAX EXEMPT STATUS UNDER § 501(C)(3) OF THE U.S. INTERNAL REVENUE CODE
8 AND IS REGISTERED TO DO BUSINESS IN THE STATE.

9 (4) “FUND” MEANS THE ANIMAL ABUSE EMERGENCY
10 COMPENSATION FUND ESTABLISHED UNDER THIS SECTION.

11 (5) “GOCCP” MEANS THE GOVERNOR’S OFFICE OF CRIME CONTROL
12 AND PREVENTION.

13 (B) THERE IS AN ANIMAL ABUSE EMERGENCY COMPENSATION FUND.

14 (C) THE PURPOSE OF THE FUND IS TO ASSIST IN PAYING COSTS ASSOCIATED
15 WITH THE REMOVAL AND CARE OF ANIMALS IMPOUNDED UNDER THIS SUBTITLE.

16 (D) (1) THE EXECUTIVE DIRECTOR OF GOCCP SHALL ADMINISTER THE
17 FUND.

18 (2) THE EXECUTIVE DIRECTOR SHALL RECEIVE FROM THE FUND
19 EACH FISCAL YEAR THE AMOUNT, NOT EXCEEDING \$50,000 IN A FISCAL YEAR,
20 NECESSARY TO OFFSET ITS COSTS IN ADMINISTERING THIS SUBTITLE.

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

23 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
24 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

25 (F) THE FUND CONSISTS OF:

26 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

27 (2) INTEREST EARNINGS OF THE FUND;

1 **(3) FINES LEVIED AS A RESULT OF CONVICTION OF AN ANIMAL ABUSE**
2 **CRIME; AND**

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

5 **(G) THE FUND MAY BE USED ONLY TO DEFRAY THE REASONABLE COSTS**
6 **INCURRED BY AN ANIMAL CONTROL UNIT OR ANIMAL WELFARE ORGANIZATION IN**
7 **CARING FOR AN ANIMAL FROM THE TIME OF SEIZURE UNTIL THE OUTCOME OF THE**
8 **CRIMINAL CASE INCLUDING:**

9 **(1) IMPOUND;**

10 **(2) TRANSPORTATION;**

11 **(3) MEDICAL CARE;**

12 **(4) FOOD;**

13 **(5) ROUTINE CARE; AND**

14 **(6) SHELTERING.**

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

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

19 **(I) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**
20 **AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

21 **Article – State Finance and Procurement**

22 6-226.

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

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

3 94. the Community Program Fund; [and]

4 95. the Maryland Corps Program Fund; AND

5 96. THE ANIMAL ABUSE EMERGENCY COMPENSATION
6 FUND.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.