

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1075
 Appropriations

(Delegate Rosenberg)

Judicial Proceedings

**Maryland Department of Emergency Management - Office of Domestic
 Terrorism Response**

This bill establishes the Office of Domestic Terrorism Response in the Maryland Department of Emergency Management (MDEM). The purpose of the office is to prepare for, prevent, and recover from domestic terrorism and hate crimes. By December 1 each year, MDEM must report to the Governor and the General Assembly on the activities of the office, any recommended legislation, and any resources that the office requires to carry out its purpose and duties.

Fiscal Summary

State Effect: General fund expenditures increase by \$268,900 in FY 2024; future years are annualized, adjusted for inflation, and reflect ongoing costs. No effect on revenues.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	268,900	323,600	338,000	352,900	371,400
Net Effect	(\$268,900)	(\$323,600)	(\$338,000)	(\$352,900)	(\$371,400)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to have a direct, material effect on local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The office must coordinate with federal, State, and local agencies in developing and implementing plans to (1) maximize the role in institutions of higher education play in researching and developing professional training on the prevention of violent extremism and (2) raise public awareness about violent extremism, including violent extremism associated with hate crimes, domestic terrorism, and international terrorism.

The Maryland Task Force on Preventing and Countering Domestic Terrorism must serve in an advisory role for the office.

Current Law:

Domestic Terrorism – Generally

Under federal law (18 U.S.C. § 2331), domestic terrorism means activities that (1) occur primarily within the territorial jurisdiction of the United States; (2) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state; and (3) appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping.

Hate Crimes

The State's hate crimes statutes are contained in Title 10, Subtitle 3 of the Criminal Law Article, specifically §§ 10-302 (damaging property of a religious entity), 10-303 (obstructing exercise of religious beliefs), 10-304 (harassment or destruction of property), 10-305 (damage to an associated building), and 10-305.1 (prohibition on use of item or symbol to threaten or intimidate).

Maryland Department of Emergency Management

Chapters 287 and 288 of 2021 established MDEM as a principal department of the Executive Branch of State government and as the successor to the Maryland Emergency Management Agency. MDEM is responsible for coordinating the State response in any major emergency or disaster. This includes supporting local governments as needed or requested and coordinating assistance with the Federal Emergency Management Agency and other federal partners. MDEM manages many of the federal grants that fund a broad range of initiatives leading to enhanced protection from and responses to the full range of natural and man-made disasters that could threaten the State's citizens.

The 2021 *Joint Chairmen's Report* required MDEM to convene a Task Force on Preventing and Countering Domestic Terrorism to determine how to effectively oppose domestic terrorism in the State and to submit its findings to the General Assembly. The 2022 *Joint Chairmen's Report* required MDEM to hold regular meetings of the task force to determine how to effectively oppose domestic terrorism in Maryland including, but not limited to, countering online extremism while protecting First Amendment rights. The task force must also review domestic terrorism threats from all potential sources and offer suggestions and guidance to MDEM on, among other things, coordinating with federal, State, and local agencies and consulting with the academic community. MDEM submitted its [findings](#) and recommendations to the Senate Budget and Taxation Committee and the House Appropriations Committee on December 1, 2022.

Governor's Office of Homeland Security

Established by regulation, the Governor's Office of Homeland Security is responsible for directing homeland security efforts across State government and coordinates with federal and local governments, the private sector, academia, and the public to find solutions that ensure public safety while protecting individual freedoms. Among other things, the director of the office is responsible for advising the Governor on policies, strategies, and measures to enhance and improve the ability to detect, prevent, prepare for, protect against, respond to, and recover from man-made emergencies or disasters, including terrorist attacks. The director is also generally responsible for coordinating homeland security activities within the State and coordinating with federal and local governments. As of February 2023, the office has one staff position.

Fusion Centers and the Maryland Coordination and Analysis Center

Fusion centers are a collaborative effort of two or more federal, State, or local government agencies that combine resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity. Generally, fusion centers receive information and intelligence from a variety of sources and disseminate the information to all levels of government to identify and address immediate and emerging threats.

The Maryland Coordination and Analysis Center (MCAC) is the State's only fusion center and is housed in the Department of State Police. Among other responsibilities, MCAC collects and distributes domestic terrorism intelligence and analysis to federal, State, and local stakeholders and law enforcement agencies.

State Expenditures: Although the bill only establishes a limited number of specific duties for the office, the stated purpose of the office – to prepare for, prevent, and recover from domestic terrorism and hate crimes – is broad. Thus, for purposes of this analysis, it is assumed MDEM requires staff to establish the framework of the office, address the specific

duties of the office, and, to the extent possible, meet any additional tasks that may result from the office's stated purpose.

Therefore, general fund expenditures increase by \$268,938 in fiscal 2024, which accounts for the bill's October 1, 2023 effective date. This estimate reflects the cost of hiring one domestic terrorism unit leader, one planning specialist, and one analyst. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$246,711
Operating Expenses	<u>22,227</u>
Total FY 2024 State Expenditures	\$268,938

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

MDEM advises that it requires five employees to staff the office as well as additional contractual support to implement the bill. However, the Department of Legislative Services advises that given the limited official duties specified in the bill, three employees will likely suffice and no additional contractual support is necessary.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 898 of 2022.

Designated Cross File: SB 785 (Senator Hettleman) - Judicial Proceedings.

Information Source(s): Maryland Department of Emergency Management; Governor's Office of Crime Prevention, Youth, and Victim Services; University System of Maryland; Morgan State University; Maryland Independent College and University Association; Department of Legislative Services

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