

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1176

(Delegate Atterbeary, *et al.*)

Health and Government Operations

Judicial Proceedings

Public Safety - Voluntary 9-1-1 Registry

This bill establishes the 9-1-1 Registry Program to authorize individual adults, parents or guardians of minor children, or guardians of individuals to register with a local 9-1-1 call center, which can then alert first responders encountering a registered individual that the individual (1) may exhibit certain behaviors including specified behaviors associated developmental delays or mental health disorders or (2) specified diagnoses or traits, including specified impairments. The bill also requires the Maryland 9-1-1 Board to report to specified committees of the General Assembly by December 1, 2028, regarding the use of the registry program.

Fiscal Summary

State Effect: The Maryland 9-1-1 Board can complete the required report using existing budgeted resources. Revenues are not affected.

Local Effect: Expenditures for many local governments increase to implement the registry program required by the bill, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Through the program, individual adults, parents or legal guardians of minors, or guardians of individuals (but not public guardians appointed by a court) may provide specified information about an individual to a local jurisdiction or local 9-1-1 call center to register the individual. They must also sign a specified disclaimer attesting to the

accuracy and confidentiality of the information provided. Each local jurisdiction or 9-1-1 call center must:

- establish procedures for the registration of an individual in the program; and
- establish procedures for alerting first responders of registered individuals prior to first responders arriving at a registered individual's address and during a time when a registered individual is engaged with first responders; and ensure that the details of the program are publicly available.

Each registrant is responsible for annually confirming whether the registered individual must remain on the registry and, if so, whether the information on the registered individual is correct. If a registrant does not update or validate information on the registry after one year, the registered individual must be removed from the registry.

Nothing in the bill may be construed to create a private cause of action by any person. Noncompliance with information in the registry is not admissible in any suit seeking to impose civil liability arising out of a 9-1-1 call.

By December 1, 2028, the Maryland 9-1-1 Board must report on (1) the number of individuals registered in the 9-1-1 Registry Program in each county for each of the previous five fiscal years; (2) the number of program registrants who confirm information necessary to remain registered each fiscal year, by county; (3) aggregated feedback received by the board from local jurisdictions, local 9-1-1 call centers, or first responders regarding the program; and (4) recommended changes to improve the effectiveness of the program, if any.

Current Law:

Maryland's 9-1-1 System and the Maryland 9-1-1 Board

The State's 9-1-1 system operates primarily through public safety answering points (PSAPs), which are generally owned and operated by local governments. 9-1-1 specialists working within PSAPs answer, redirect, and take action on 9-1-1 calls received based on the location of the originating 9-1-1 call. State and local governments are preparing for "next generation" 9-1-1 technology that will allow PSAPs to access not only more accurate information about caller location but also other information that will assist emergency personnel in communicating with callers and responding more efficiently. Legislation has been enacted in recent years to, among other things:

- transfer the Maryland 9-1-1 Board that is responsible for administering the 9-1-1 Trust Fund and overseeing the State's 9-1-1 system from the Department of Public Safety and Correctional Services to the Maryland Department of Emergency Management;

- expand the uses of the 9-1-1 Trust Fund to include providing funding for 9-1-1 specialist training activities; and
- increase funding for the State’s 9-1-1 system.

The Maryland 9-1-1 Board’s other responsibilities include (1) dispersing funds to local governments from the 9-1-1 Trust Fund for authorized costs; (2) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9-1-1 systems; (3) ensuring the inspection of PSAPs; (4) auditing counties to ensure that 9-1-1 trust funds are being used for authorized purposes; (5) establishing training standards for PSAP personnel based on national best practices and related to Next Generation 9-1-1; and (6) consulting with MCC to establish cybersecurity standards for PSAPs.

9-1-1 Trust Fund – State and Local Fees

The 9-1-1 Trust Fund is funded through a State 9-1-1 fee and county 9-1-1 fee. Telephone companies, wireless carriers, and other 9-1-1 accessible service providers collect and remit the fees monthly to the Comptroller for deposit into the fund. The State 9-1-1 fee is distributed to counties at the discretion of the Maryland 9-1-1 Board in response to county 9-1-1 system enhancement requests. The county fee, the prepaid wireless 9-1-1 fee remittances, and any investment earnings of the fund are all distributed quarterly to each county in prorated amounts according to the level of fees collected in each jurisdiction.

Local Expenditures: As noted above, PSAPs are generally owned and operated by local governments and, thus, each local government PSAP is responsible for the implementation and administration of its own registry program, as well as the associated costs. While the 9-1-1 Trust Fund can be used to reimburse counties for certain 9-1-1 system costs, the Maryland 9-1-1 Board advises that costs related to a registry are not likely to be eligible for reimbursement.

Since local governments operate their own PSAPs, costs to implement the bill vary by jurisdiction. For example, Prince George’s County advises that to implement the bill’s requirements it plans to procure a registration and tracking database system and hire three additional staff to administer the system for the whole county. While no other local governments responded to a request for information for this fiscal and policy note, for a similar bill introduced during the 2022 legislative session, some other counties advised that such a system could be implemented with little to no additional costs while others anticipated additional technology and staffing costs similar to what was estimated by Prince George’s County for this bill.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 177 of 2022.

Designated Cross File: None.

Information Source(s): Maryland Department of Emergency Management; Prince George's County; Maryland Municipal League; Department of Legislative Services

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