

SENATE BILL 631

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7lr1832
CF HB 941

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

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2017

CHAPTER _____

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; providing
12 for the termination of this Act; and generally relating to the Animal Abuse
13 Emergency Compensation Fund.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 7–302(a)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2016 Supplement)

19 BY adding to
20 Article – Courts and Judicial Proceedings
21 Section 7–302(h)
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Criminal Law
3 Section 10–626
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2016 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(i)
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2016 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)94. and 95.
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2016 Supplement)

16 BY adding to
17 Article – State Finance and Procurement
18 Section 6–226(a)(2)(ii)96.
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2016 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 7–302.

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

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

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

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

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

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

Article – Criminal Law

10-626.

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

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

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

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

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

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

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

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

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

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

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

(F) THE FUND CONSISTS OF:

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

(2) INTEREST EARNINGS OF THE FUND;

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

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

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

(1) IMPOUND;

(2) TRANSPORTATION;

(3) MEDICAL CARE;

(4) FOOD;

(5) ROUTINE CARE; AND

(6) SHELTERING.

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

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

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

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless
inconsistent with a federal law, grant agreement, or other federal requirement or with the
terms of a gift or settlement agreement, net interest on all State money allocated by the
State Treasurer under this section to special funds or accounts, and otherwise entitled to

1 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
2 Fund of the State.

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

5 94. the Community Program Fund; [and]

6 95. the Maryland Corps Program Fund; AND

7 **96. THE ANIMAL ABUSE EMERGENCY COMPENSATION**
8 **FUND.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2017. It shall remain effective for a period of 3 years and, at the end of September
11 30, 2020, with no further action required by the General Assembly, this Act shall be
12 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.