

Chapter 410

(House Bill 941)

AN ACT concerning

Criminal Law – Animal Abuse Emergency Compensation Fund – Establishment

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

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

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

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

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

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)94. and 95.

Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)96.

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

7–302.

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

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

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

(H) THE CLERKS OF THE DISTRICT COURT SHALL:

(1) COLLECT THE FINES, FORFEITURES, AND PENALTIES IMPOSED BY THE COURT FOR VIOLATIONS OF §§ 10–604, 10–606, 10–607, AND 10–608 OF THE 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 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

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

94. the Community Program Fund; [and]

95. the Maryland Corps Program Fund; AND

96. THE ANIMAL ABUSE EMERGENCY COMPENSATION FUND.

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

Approved by the Governor, May 4, 2017.