

HOUSE BILL 898

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By: **Delegates Hartman, Anderson, Anderton, Arentz, Arikan, D. Barnes, Buckel, Cain, Cox, Ebersole, Griffith, Guyton, Hornberger, Kaiser, Kerr, Krebs, Luedtke, Mangione, McComas, Morgan, Mosby, Otto, Palakovich Carr, Patterson, Pippy, Reilly, Rose, Saab, Shoemaker, and Smith**

Introduced and read first time: February 3, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Protective Body Armor Fund – Expansion – First Responders**

3 FOR the purpose of altering the purpose of the Protective Body Armor Fund to include
4 assistance to first responders; requiring the Treasurer to make payments out of the
5 Fund to a first responder unit; authorizing a first responder unit to use State money
6 only to acquire or replace protective body armor; requiring a first responder unit to
7 use the money distributed as an addition to and not as a substitute for certain money
8 to acquire or replace protective body armor; requiring a first responder unit to spend
9 money from its own sources to acquire or replace protective body armor in an amount
10 at least equal to the amount of State money awarded from the Fund; authorizing the
11 Executive Director to reimburse a portion of a first responder unit's expenditures on
12 protective body armor; requiring the Executive Director to report to the General
13 Assembly and the Governor on the ratio of protective body armor to first responders
14 in each local jurisdiction of the State that applied for money from the Fund; defining
15 a certain term; and generally relating to the Protective Body Armor Fund.

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 4–101, 4–102, 4–105, and 4–107
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting without amendments,
22 Article – Public Safety
23 Section 4–103, 4–104, and 4–106
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Public Safety

4–101.

(a) In this subtitle the following words have the meanings indicated.

(b) “Executive Director” means the Executive Director of the Governor’s Office of
Crime Control and Prevention.

(C) “FIRST RESPONDER” MEANS AN INDIVIDUAL WHO IS:

**(1) LICENSED OR CERTIFIED UNDER § 13–516 OF THE EDUCATION
ARTICLE; OR**

(2) A FIREFIGHTER OR AN EMERGENCY MEDICAL TECHNICIAN.

[(c)] (D) “Fund” means the Protective Body Armor Fund.

[(d)] (E) “Local law enforcement agency” means the police department of a
county or municipal corporation in the State.

[(e)] (F) “Protective body armor” means a vest or similar article that is:

(1) designed to be worn on the body to protect against blunt force trauma
associated with the impact of a firearm projectile; and

(2) manufactured of bullet resistant fabric that conforms to National
Institute of Justice (NIJ) Standard 0101.03 (or the current edition) and V–50 ballistic
testing requirements.

4–102.

(a) There is a Protective Body Armor Fund.

(b) The purposes of the Fund are:

(1) to assist local law enforcement agencies **AND FIRST RESPONDER
UNITS** to:

(i) acquire protective body armor for each police officer of the local
law enforcement agency **AND EACH FIRST RESPONDER OF THE RESPECTIVE UNIT**; and

(ii) replace protective body armor at least every 10 years, or sooner

1 if testing indicates a need for replacement; and

2 (2) [upon] ON the fulfillment of the purposes specified in paragraph (1) of
3 this subsection, to assist the Division of Parole and Probation of the Department of Public
4 Safety and Correctional Services to acquire protective body armor for its agents with the
5 remainder of the funds.

6 (c) The Executive Director shall administer the Fund.

7 (d) The Fund consists of money appropriated in the State budget to the Fund.

8 (e) (1) As authorized by the Executive Director, the Treasurer shall make
9 payments out of the Fund to local law enforcement agencies, **FIRST RESPONDER UNITS**,
10 and the Division of Parole and Probation.

11 (2) A local law enforcement agency, **FIRST RESPONDER UNIT**, and the
12 Division of Parole and Probation may use State money provided under this subtitle only to
13 purchase or replace protective body armor.

14 4–103.

15 (a) The Executive Director shall establish procedures for local law enforcement
16 agencies to apply for money from the Fund.

17 (b) A local law enforcement agency that applies for money from the Fund shall
18 provide the Executive Director with the following information:

19 (1) the number of violent crime incidents committed within the jurisdiction
20 of the local law enforcement agency for the last 2 years;

21 (2) the current number of sworn officers;

22 (3) the current number of sworn officers not assigned protective body
23 armor;

24 (4) the number and age of protective body armor units currently in use by
25 the local law enforcement agency;

26 (5) the number of protective body armor units requested:

27 (i) for officers not currently assigned protective body armor; and

28 (ii) for officers assigned protective body armor in need of
29 replacement due to age or wear;

30 (6) the regulations of the local law enforcement agency that relate to the
31 use of protective body armor;

(7) the local law enforcement agency's budget request for supplies and equipment for the current and last 2 fiscal years; and

(8) any other information that the Executive Director considers necessary to make grants for protective body armor.

4–104.

(a) (1) In accordance with the State budget, the Executive Director shall make grants to local law enforcement agencies to purchase and replace protective body armor based on the comparative needs of each local law enforcement agency as determined by the criteria set forth in § 4–103(b) of this subtitle.

(2) A single grant may not initially exceed 10% of the total money budgeted in the Fund for any fiscal year.

(b) After the initial allocation of money, the Executive Director may distribute any money remaining in the Fund on an equitable basis, as determined by the criteria set forth in § 4–103(b) of this subtitle.

(c) After the allocations of money made in accordance with subsections (a) and (b) of this section, the Executive Director may distribute any of the money remaining in the Fund to the Division of Parole and Probation to assist the Division to acquire protective body armor for its agents.

4–105.

(a) A local law enforcement agency **AND FIRST RESPONDER UNIT** shall use the money distributed under this subtitle as an addition to and not as a substitute for money appropriated from sources other than the Fund to acquire or replace protective body armor.

(b) (1) Each local law enforcement agency **AND FIRST RESPONDER UNIT** shall spend money from its own sources to acquire or replace protective body armor in an amount at least equal to the amount of State money awarded from the Fund.

(2) After a local law enforcement agency **OR FIRST RESPONDER UNIT** receives notice from the Executive Director of a grant, the local law enforcement agency **OR FIRST RESPONDER UNIT** shall submit to the Executive Director proof of expenditures on protective body armor.

(3) After certifying the expenditures under paragraph (2) of this subsection, the Executive Director may authorize the reimbursement of one-half of the local law enforcement agency's **OR FIRST RESPONDER UNIT'S** expenditures on protective body armor, up to a maximum of the amount of the grant.

1 4–106.

2 To reduce the cost of protective body armor, the Executive Director should encourage
3 the bulk purchase of protective body armor.

4 4–107.

5 On or before September 1 of each year, the Executive Director shall report to the
6 Governor and, subject to § 2–1257 of the State Government Article, to the General
7 Assembly on:

8 (1) the distribution of money under this subtitle; and

9 (2) the ratio of protective body armor to police officers **AND THE RATIO OF**
10 **PROTECTIVE BODY ARMOR TO FIRST RESPONDERS** in each local jurisdiction of the State
11 that applied for money from the Fund.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2020.