

HOUSE BILL 1521

J1, E4

7lr0350

By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Commission to Study Firearm**
3 **Violence – Establishment**

4 FOR the purpose of establishing the Maryland Commission to Study Firearm Violence;
5 providing that the Commission is an independent commission that functions within
6 the Department of Health and Mental Hygiene; requiring the Commission to award
7 certain loans and grants, develop certain recommendations, administer a certain
8 fund, and develop certain processes; providing for the membership of the
9 Commission; providing for the terms of certain members of the Commission;
10 requiring the Governor to designate the chair of the Commission; providing for the
11 staffing of the Commission; prohibiting a member of the Commission from receiving
12 certain compensation, but authorizing the reimbursement of certain expenses;
13 requiring the Commission to report certain information to the Governor and the
14 General Assembly on or before a certain date each year; establishing the Maryland
15 Firearm Violence Research Fund as a special, nonlapsing fund that is not subject to
16 a certain provision of law; specifying the purpose of the Fund; requiring the State
17 Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying
18 the contents of the Fund; specifying the purposes for which the Fund may be used;
19 providing for the investment of money in and expenditures from the Fund; requiring
20 interest earnings of the Fund to be credited to the Fund; exempting the Fund from a
21 certain provision of law requiring interest earnings on State money to accrue to the
22 General Fund of the State; providing that money expended from the Fund for certain
23 purposes is supplemental to and not intended to replace certain other funding;
24 defining certain terms; and generally relating to the Maryland Commission to Study
25 Firearm Violence.

26 BY adding to
27 Article – Health – General
28 Section 13–3401 through 13–3405 to be under the new subtitle “Subtitle 34.
29 Maryland Commission to Study Firearm Violence”
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2015 Replacement Volume and 2016 Supplement)

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

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

12 BY adding to
13 Article – State Finance and Procurement
14 Section 6–226(a)(2)(ii)96.
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2016 Supplement)

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

19 **Article – Health – General**

20 **SUBTITLE 34. MARYLAND COMMISSION TO STUDY FIREARM VIOLENCE.**

21 **13–3401.**

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (B) “COMMISSION” MEANS THE MARYLAND COMMISSION TO STUDY
25 FIREARM VIOLENCE.

26 (C) “FUND” MEANS THE MARYLAND FIREARM VIOLENCE RESEARCH FUND.

27 **13–3402.**

28 (A) THERE IS A MARYLAND COMMISSION TO STUDY FIREARM VIOLENCE.

29 (B) THE COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS
30 WITHIN THE DEPARTMENT.

31 (C) THE COMMISSION SHALL:

1 **(1) AWARD GRANTS AND LOANS TO PUBLIC AND PRIVATE ENTITIES TO**
2 **RESEARCH:**

3 **(I) THE FACTORS THAT AFFECT THE RISK AND RATE OF**
4 **OCCURRENCE OF FIREARM VIOLENCE, INCLUDING INDIVIDUAL AND SOCIETAL**
5 **DETERMINANTS OF RISK FOR INVOLVEMENT IN FIREARM VIOLENCE, WHETHER AS A**
6 **VICTIM OR A PERPETRATOR;**

7 **(II) THE INDIVIDUAL, LOCAL, AND NATIONAL CONSEQUENCES**
8 **OF FIREARM VIOLENCE;**

9 **(III) METHODS FOR PREVENTING AND REDUCING FIREARM**
10 **VIOLENCE AT THE INDIVIDUAL, LOCAL, AND NATIONAL LEVELS;**

11 **(IV) THE EFFECTIVENESS OF EXISTING LAWS AND POLICIES**
12 **INTENDED TO REDUCE FIREARM VIOLENCE, INCLUDING THEIR EFFECTIVENESS IN**
13 **REDUCING THE USE OF FIREARMS IN THE COMMISSION OF CRIMES; AND**

14 **(V) EFFORTS TO PROMOTE THE RESPONSIBLE OWNERSHIP AND**
15 **USE OF FIREARMS;**

16 **(2) DEVELOP RECOMMENDATIONS RELATING TO:**

17 **(I) EFFECTIVE FIREARM VIOLENCE PREVENTION PROGRAMS;**
18 **AND**

19 **(II) LEGISLATION INTENDED TO REDUCE FIREARM VIOLENCE,**
20 **INCLUDING LEGISLATION TO REDUCE THE USE OF FIREARMS IN THE COMMISSION**
21 **OF CRIMES AND PROMOTE THE RESPONSIBLE OWNERSHIP AND USE OF FIREARMS;**

22 **(3) ADMINISTER THE MARYLAND FIREARM VIOLENCE RESEARCH**
23 **FUND ESTABLISHED UNDER § 13-3404 OF THIS SUBTITLE; AND**

24 **(4) ESTABLISH BY REGULATION A PROCESS FOR:**

25 **(I) PUBLIC AND PRIVATE ENTITIES TO APPLY TO THE**
26 **COMMISSION FOR GRANTS AND LOANS TO RESEARCH FIREARM VIOLENCE; AND**

27 **(II) AWARDING GRANTS AND LOANS TO RESEARCH FIREARM**
28 **VIOLENCE.**

1 (D) THE PROCESS ESTABLISHED UNDER SUBSECTION (C)(4)(II) OF THIS
2 SECTION SHALL BE MODELED AFTER THE PEER REVIEW PROCESS USED BY THE
3 NATIONAL INSTITUTES OF HEALTH IN ITS GRANT-MAKING PROCESS.

4 **13-3403.**

5 (A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

6 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
7 PRESIDENT OF THE SENATE;

8 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
9 SPEAKER OF THE HOUSE;

10 (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
11 SECRETARY'S DESIGNEE;

12 (4) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S
13 DESIGNEE;

14 (5) THE SUPERINTENDENT OF STATE POLICE, OR THE
15 SUPERINTENDENT'S DESIGNEE; AND

16 (6) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

17 (I) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND
18 SYSTEM WITH EXPERIENCE IN RESEARCHING FIREARM VIOLENCE;

19 (II) ONE REPRESENTATIVE OF THE MARYLAND INDEPENDENT
20 COLLEGE AND UNIVERSITY ASSOCIATION WITH EXPERIENCE IN RESEARCHING
21 FIREARM VIOLENCE; AND

22 (III) ONE REPRESENTATIVE OF THE GOVERNOR'S OFFICE OF
23 CRIME CONTROL AND PREVENTION.

24 (B) THE MEMBERS OF THE COMMISSION APPOINTED FROM THE SENATE OF
25 MARYLAND AND THE HOUSE OF DELEGATES SHALL SERVE IN AN ADVISORY
26 CAPACITY ONLY.

27 (C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4
28 YEARS AND BEGINS ON OCTOBER 1, 2017.

1 **(2) AT THE END OF A TERM, A MEMBER APPOINTED BY THE**
2 **GOVERNOR CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND**
3 **QUALIFIES.**

4 **(3) A MEMBER APPOINTED BY THE GOVERNOR MAY NOT SERVE MORE**
5 **THAN THREE CONSECUTIVE FULL TERMS.**

6 **(4) A MEMBER APPOINTED BY THE GOVERNOR WHO IS APPOINTED**
7 **AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A**
8 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

9 **(D) THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE**
10 **NONADVISORY MEMBERS OF THE COMMISSION.**

11 **(E) THREE NONADVISORY MEMBERS OF THE COMMISSION IS A QUORUM.**

12 **(F) A MEMBER OF THE COMMISSION:**

13 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
14 **COMMISSION; BUT**

15 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
16 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

17 **(G) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.**

18 **13-3404.**

19 **(A) THERE IS A MARYLAND FIREARM VIOLENCE RESEARCH FUND.**

20 **(B) THE PURPOSE OF THE FUND IS TO PROMOTE STATE-FUNDED FIREARM**
21 **VIOLENCE RESEARCH THROUGH GRANTS AND LOANS AWARDED BY THE**
22 **COMMISSION TO PUBLIC AND PRIVATE ENTITIES IN THE STATE.**

23 **(C) THE COMMISSION SHALL ADMINISTER THE FUND.**

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

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

28 **(E) THE FUND CONSISTS OF:**

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

2 (2) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
3 **THE BENEFIT OF THE FUND; AND**

4 (3) **ANY INVESTMENT EARNINGS OF THE FUND.**

5 **(F) THE FUND MAY BE USED ONLY FOR:**

6 (1) **THE AWARD OF GRANTS AND LOANS FOR FIREARM VIOLENCE**
7 **RESEARCH UNDER § 13-3402(C)(4)(II) OF THIS SUBTITLE; AND**

8 (2) **ADMINISTRATIVE EXPENSES.**

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

11 (2) **ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED**
12 **TO THE FUND.**

13 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
14 **WITH THE STATE BUDGET.**

15 **(I) MONEY EXPENDED FROM THE FUND FOR THE COMMISSION AND**
16 **FIREARM VIOLENCE RESEARCH IS SUPPLEMENTAL TO AND IS NOT INTENDED TO**
17 **TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR**
18 **THE COMMISSION OR FIREARM VIOLENCE RESEARCH.**

19 **13-3405.**

20 **ON OR BEFORE JANUARY 1 EACH YEAR, THE COMMISSION SHALL REPORT TO**
21 **THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
22 **ARTICLE, THE GENERAL ASSEMBLY ON:**

23 (1) **ITS ACTIVITIES RELATING TO THE AWARD OF GRANTS AND LOANS**
24 **IN ACCORDANCE WITH THIS SUBTITLE; AND**

25 (2) **ITS FINDINGS AND RECOMMENDATIONS RELATED TO FIREARM**
26 **VIOLENCE.**

27 **Article – State Finance and Procurement**

28 **6-226.**

1 (a) (2) (i) Notwithstanding any other provision of law, and unless
2 inconsistent with a federal law, grant agreement, or other federal requirement or with the
3 terms of a gift or settlement agreement, net interest on all State money allocated by the
4 State Treasurer under this section to special funds or accounts, and otherwise entitled to
5 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
6 Fund of the State.

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

9 94. the Community Program Fund; [and]

10 95. the Maryland Corps Program Fund; AND

11 **96. THE MARYLAND FIREARM RESEARCH VIOLENCE**
12 **FUND.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.