

SB0122/143322/2

BY: Senator Ferguson

AMENDMENTS TO SENATE BILL 122, AS AMENDED

AMENDMENT NO. 1

On page 2 of the Judicial Proceedings Committee Amendments (SB0122/108878/1), in line 1 of Amendment No. 1, strike “Violent Crime” and substitute “Violence Intervention and Prevention”; in line 3, after “Fund” insert “in consultation with the Maryland Violence Intervention and Prevention Advisory Council”; and strike beginning with “providing” in line 3 down through “funds” in line 7 and substitute “requiring the State Treasurer to hold the Fund and the Comptroller, in conjunction with the Executive Director, to account for the Fund; specifying the contents of the Fund; requiring the Governor to annually appropriate a certain amount to the Fund in certain fiscal years; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; providing that the accounts and transactions of the Fund shall be subject to a certain audit; establishing the Maryland Violence Intervention and Prevention Advisory Council in the Governor’s Office of Crime Control and Prevention; specifying the membership of the Council; specifying the duties of the Council; requiring that certain information be provided in a certain evaluation; providing that members of the Council may not receive compensation but are entitled to reimbursement for certain expenses; requiring the Executive Director, in consultation with the Council, to establish procedures for local governments and nonprofit organizations to use in applying for money from the Fund; specifying the information that must be provided in an application for money from the Fund; requiring the Executive Director, in consultation with the Council, to establish procedures for the distribution of funds; specifying the duration of awards and a certain preference for the award of funds; requiring awards to be commensurate with the level of gun violence; specifying certain requirements for a local government or nonprofit organization that is awarded money from 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; requiring that certain reports be posted to a certain website”.

(Over)

On page 3 of the Judicial Proceedings Committee Amendments, in line 22 of Amendment No. 1, strike “and 4–302” and substitute “through 4–306”; and in line 23, strike “Violent Crime” and substitute “Violence Intervention and Prevention”.

On page 4 of the Judicial Proceedings Committee Amendments, in line 4 of Amendment No. 1, after “Supplement)” insert:

“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 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)”.

AMENDMENT NO. 2

On page 33 of the Judicial Proceedings Committee Amendments, in line 2 of Amendment No. 2, strike “**VIOLENT CRIME**” and substitute “**VIOLENCE INTERVENTION AND PREVENTION**”.

On pages 33 through 36 of the Judicial Proceedings Committee Amendments, strike in their entirety the lines beginning with line 4 on page 33 through line 20 on page 36, inclusive, and substitute:

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

(B) “COUNCIL” MEANS THE MARYLAND VIOLENCE INTERVENTION AND PREVENTION ADVISORY COUNCIL ESTABLISHED UNDER § 4-303 OF THIS SUBTITLE.

(C) “EVIDENCE-BASED HEALTH PROGRAM” MEANS A PROGRAM OR AN INITIATIVE THAT:

(1) IS DEVELOPED AND EVALUATED THROUGH SCIENTIFIC RESEARCH AND DATA COLLECTION;

(2) USES PUBLIC HEALTH PRINCIPLES THAT DEMONSTRATE MEASURABLE POSITIVE OUTCOMES IN PREVENTING GUN VIOLENCE; AND

(3) IS IMPLEMENTED BY A NONPROFIT ORGANIZATION OR PUBLIC AGENCY.

(D) “EVIDENCE-INFORMED HEALTH PROGRAM” MEANS A PROGRAM, AN APPROACH, OR AN INITIATIVE THAT IS:

(1) BASED ON PUBLIC HEALTH PRINCIPLES;

(2) CAPABLE OF BEING STUDIED AND EVALUATED THROUGH RESEARCH AND DATA COLLECTION;

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(3) FOR THE PURPOSE OF REDUCING GUN VIOLENCE;

(4) DIRECTED TO INFLUENCE FACTORS DETERMINED TO AFFECT GUN VIOLENCE; AND

(5) IMPLEMENTED BY A NONPROFIT ORGANIZATION OR PUBLIC AGENCY.

(E) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(F) “FUND” MEANS THE TYRONE RAY VIOLENCE INTERVENTION AND PREVENTION FUND.

(G) “LOCAL GOVERNMENT” MEANS A COUNTY OR MUNICIPALITY.

4-302.

(A) THERE IS A TYRONE RAY VIOLENCE INTERVENTION AND PREVENTION FUND.

(B) THE PURPOSE OF THE FUND IS TO:

(1) SUPPORT EFFECTIVE VIOLENCE REDUCTION STRATEGIES BY PROVIDING COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO FUND EVIDENCED-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS;

(2) EVALUATE THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS FUNDED THROUGH THE FUND; AND

(3) SUPPORT PRETRIAL RELEASE SERVICES PROGRAMS.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND IN CONSULTATION WITH THE COUNCIL.

(D) (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, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR, SHALL ACCOUNT FOR THE FUND.

(E) (1) THE FUND CONSISTS OF:

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

(II) INVESTMENT EARNINGS OF THE FUND; AND

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

(2) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE AT LEAST \$5,000,000 IN THE ANNUAL STATE BUDGET FOR THE FUND.

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(F) (1) THE FUND SHALL BE USED IN THE FOLLOWING MANNER:

(I) TO SUPPORT EFFECTIVE VIOLENCE REDUCTION STRATEGIES BY PROVIDING COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO FUND EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS;

(II) IN AN AMOUNT NOT GREATER THAN 5% OF THE FUND, FOR THE EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS AWARDED GRANTS THROUGH THE FUND; AND

(III) TO SUPPORT PRETRIAL RELEASE SERVICES PROGRAMS.

(2) THE FUND MAY NOT BE USED TO:

(I) SUPPLANT FUNDING THAT WOULD OTHERWISE BE AVAILABLE FOR VIOLENCE INTERVENTION OR PREVENTION PROGRAMS; OR

(II) FUND SUPPRESSION ACTIVITIES BY LAW ENFORCEMENT.

(G) (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.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN

ACCORDANCE WITH THE STATE BUDGET.

(I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

4-303.

(A) THERE IS A MARYLAND VIOLENCE INTERVENTION AND PREVENTION ADVISORY COUNCIL IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE EXECUTIVE DIRECTOR;

(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) ONE INDIVIDUAL FROM A HIGHER EDUCATION INSTITUTION WHO STUDIES PUBLIC HEALTH, APPOINTED BY THE EXECUTIVE DIRECTOR;

(5) ONE INDIVIDUAL WHO HAS BEEN AFFECTED BY GUN VIOLENCE, APPOINTED BY THE EXECUTIVE DIRECTOR; AND

(6) SUBJECT TO SUBSECTION (C) OF THIS SECTION, EIGHT

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INDIVIDUALS APPOINTED AS FOLLOWS:

(I) FOUR INDIVIDUALS FROM COMMUNITY-BASED OR HOSPITAL-BASED ORGANIZATIONS THAT USE EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS, TWO APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO APPOINTED BY THE SPEAKER OF THE HOUSE;

(II) TWO INDIVIDUALS FROM LOCAL POLICE DEPARTMENTS OR THE DEPARTMENT OF STATE POLICE, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(III) TWO INDIVIDUALS FROM LOCAL HEALTH DEPARTMENTS THAT ARE IMPLEMENTING VIOLENCE PREVENTION STRATEGIES, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE.

(C) IN MAKING APPOINTMENTS UNDER SUBSECTION (B)(6) OF THIS SECTION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE SHALL ENSURE THE INCLUSION OF MEMBERS FROM MULTIPLE CITIES AND COUNTIES AFFECTED BY VIOLENCE.

(D) (1) THE COUNCIL SHALL:

(I) ADVISE THE EXECUTIVE DIRECTOR ON THE ALLOCATION OF FUNDS FOR THE EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS THAT RECEIVE FUNDING IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION;

(II) PROVIDE INPUT TO THE EXECUTIVE DIRECTOR ON THE ADMINISTRATION OF THE FUND;

(III) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING PROCEDURES FOR LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO APPLY FOR FUNDING;

(IV) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING PROCEDURES FOR THE DISTRIBUTION OF FUNDING;

(V) CREATE GUIDELINES FOR FUNDING ELIGIBILITY;

(VI) REVIEW AND PUBLISH REPORTS REGARDING THE SUCCESS AND FAILURE OF NONSUPPRESSION-BASED VIOLENCE INTERVENTION AND PREVENTION PROGRAMS;

(VII) ADVISE THE GOVERNOR AND THE EXECUTIVE DIRECTOR ON THE IMPLEMENTATION OF GUN VIOLENCE PREVENTION PROGRAMS IN THE STATE; AND

(VIII) BE GOVERNED BY A MAJORITY VOTE.

(2) AN EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS THAT RECEIVE FUNDING UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE UNDERTAKEN BY AN INDEPENDENT, THIRD-PARTY RESEARCHER SELECTED BY THE COUNCIL.

(3) THE RESULTS OF THE EVALUATION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME

(Over)

CONTROL AND PREVENTION'S WEBSITE.

(E) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

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

4-304.

(A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH PROCEDURES FOR LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO USE IN APPLYING FOR MONEY FROM THE FUND.

(B) AN APPLICATION SHALL REQUIRE A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION TO PROVIDE, AT A MINIMUM:

(1) CLEARLY DEFINED AND MEASUREABLE OBJECTIVES;

(2) EVIDENCE THAT THE PROPOSED EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS WOULD LIKELY REDUCE GUN VIOLENCE; AND

(3) A DESCRIPTION OF HOW THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION PROPOSES TO USE THE FUNDING TO REDUCE RATES OF GUN VIOLENCE BY:

(I) ESTABLISHING OR ENHANCING EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND

(II) ENHANCING COORDINATION OF EXISTING VIOLENCE INTERVENTION AND PREVENTION PROGRAMS, IF ANY, TO MINIMIZE DUPLICATION OF SERVICES.

4-305.

(A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH PROCEDURES FOR THE DISTRIBUTION OF MONEY FROM THE FUND.

(B) (1) FUNDING AWARDS SHALL BE MADE TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FOR A MINIMUM DURATION OF 3 CONSECUTIVE FISCAL YEARS.

(2) PREFERENCE SHALL BE GIVEN TO LOCAL GOVERNMENTS OR NONPROFIT ORGANIZATIONS:

(I) THAT ARE DISPROPORTIONATELY AFFECTED BY VIOLENCE, AS DETERMINED BY THE COUNCIL; AND

(II) WHOSE GRANT PROPOSALS DEMONSTRATE THE GREATEST LIKELIHOOD OF REDUCING GUN VIOLENCE IN THEIR COMMUNITIES.

(C) FUNDING AWARDS SHALL BE COMMENSURATE WITH:

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(1) THE LEVELS OF GUN VIOLENCE IN THE JURISDICTION SERVED BY THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION; AND

(2) THE STRENGTH OF THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION'S APPLICATION.

4-306.

(A) A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION THAT RECEIVES FUNDING UNDER THIS SUBTITLE SHALL:

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROVIDE A CASH OR IN-KIND MATCH EQUIVALENT TO 33% OF THE AMOUNT AWARDED; AND

(2) USE THE AWARD TO SUPPLEMENT AND NOT SUPPLANT FUNDING THAT WOULD OTHERWISE BE AVAILABLE TO IMPLEMENT EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS.

(B) THE MATCHING FUND REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE WAIVED IF THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION CAN DEMONSTRATE GOOD CAUSE, AS DETERMINED BY THE EXECUTIVE DIRECTOR.

(C) IN ADDITION TO ANY OTHER REPORTING REQUIREMENTS FROM THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, GRANTEEES SHALL SUBMIT A REPORT AT THE END OF EACH GRANT CYCLE THAT SHALL:

(1) INCLUDE THE FOLLOWING INFORMATION:

(I) DATA COLLECTED DURING THE DURATION OF THE AWARD;

(II) A DISCUSSION OF ANY COLLABORATIVE EFFORTS BETWEEN THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION, A COMMUNITY-BASED ORGANIZATION, AND ANY OTHER ENTITY IN FURTHERANCE OF THE OBJECTIVES OF THE AWARD; AND

(III) AN ANALYSIS OF THE PROGRESS MADE IN ACHIEVING THE OBJECTIVES OF THE AWARD; AND

(2) BE POSTED TO THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION’S WEBSITE.”.

On page 44 of the Judicial Proceedings Committee Amendments, after line 19 of Amendment No. 2, insert:

“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:

(Over)

101. the Advance Directive Program Fund; [and]

102. the Make Office Vacancies Extinct Matching Fund;

AND

103. THE TYRONE RAY VIOLENCE INTERVENTION AND PREVENTION FUND.”.