

SENATE BILL 447

E4

(9lr1314)

ENROLLED BILL

—Judicial Proceedings/Judiciary—

Introduced by **Senators Muse, Frosh, Haines, Mooney, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Gladden, Jacobs, and Simonaire**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – SWAT Team Activation and Deployment – Reports**

3 FOR the purpose of requiring, at certain intervals beginning on a certain date, a law
4 enforcement agency that maintains a SWAT team to report certain information
5 to the ~~Office of the Attorney General~~ Governor’s Office of Crime Control and
6 Prevention using a certain format; requiring the Police Training Commission, in
7 consultation with the ~~Office~~ Governor’s Office of Crime Control and Prevention,
8 to develop a standardized format that certain law enforcement agencies shall
9 use in reporting certain data relating to the activation and deployment of
10 certain SWAT teams to the ~~Office~~ Governor’s Office of Crime Control and
11 Prevention and to certain local officials; requiring a law enforcement agency to
12 compile certain information as a report in a certain format and to submit the
13 report to the ~~Office~~ Governor’s Office of Crime Control and Prevention no later
14 than a certain date following the period that is the subject of the report;

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.

Italics indicate opposite chamber / conference committee amendments.



1 requiring the ~~Office~~ Governor's Office of Crime Control and Prevention to
 2 analyze and summarize certain reports of law enforcement agencies and to
 3 submit a report of the analyses and summaries to the Governor, the General
 4 Assembly, and each law enforcement agency before a certain date of each year;
 5 providing that, if a law enforcement agency fails to comply with the reporting
 6 provisions of this Act, the ~~Office~~ Governor's Office of Crime Control and
 7 Prevention shall report the noncompliance to the Police Training Commission;
 8 providing that the Commission shall contact a certain law enforcement agency
 9 and request that the agency comply with this Act under certain circumstances;
 10 providing that, if a certain law enforcement agency fails to comply with certain
 11 reporting provisions within a certain period after being contacted by the
 12 Commission, the ~~Office of the Attorney General~~ Governor's Office of Crime
 13 Control and Prevention and the Commission jointly shall make a certain report
 14 to the Governor and the Legislative Policy Committee of the General Assembly;
 15 *providing for the termination of this Act*; defining certain terms; and generally
 16 relating to the activation and deployment of SWAT teams.

17 BY adding to
 18 Article – Public Safety
 19 Section 3–507
 20 Annotated Code of Maryland
 21 (2003 Volume and 2008 Supplement)

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

24 **Article – Public Safety**

25 **3–507.**

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

28 (2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS
 29 LISTED IN § 3–101(E) OF THIS TITLE.

30 (3) “LAW ENFORCEMENT OFFICER” MEANS ANY PERSON WHO, IN
 31 AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS
 32 AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS
 33 SECTION.

34 (4) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN
 35 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
 36 ESTABLISHED UNDER § 3–202 OF THIS TITLE.

1 (5) "SWAT TEAM" MEANS A SPECIAL UNIT COMPOSED OF TWO OR
2 MORE LAW ENFORCEMENT OFFICERS WITHIN A LAW ENFORCEMENT AGENCY
3 TRAINED TO DEAL WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND
4 HAVING SPECIAL EQUIPMENT AND WEAPONS, SUCH AS RIFLES MORE POWERFUL
5 THAN THOSE CARRIED BY REGULAR POLICE OFFICERS.

6 (B) ~~ON A MONTHLY BASIS~~ EVERY 6 MONTHS, BEGINNING JANUARY 1,
7 2010, A LAW ENFORCEMENT AGENCY THAT MAINTAINS A SWAT TEAM SHALL
8 REPORT THE FOLLOWING INFORMATION TO THE ~~OFFICE OF THE ATTORNEY~~
9 ~~GENERAL~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION USING
10 THE FORMAT DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

11 (1) THE NUMBER OF TIMES THE SWAT TEAM WAS ACTIVATED
12 AND DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS ~~MONTH~~
13 6 MONTHS;

14 (2) ~~WITHOUT IDENTIFYING AN EXACT ADDRESS, THE~~
15 ~~APPROXIMATE LOCATION WITHIN OR OUTSIDE OF THE JURISDICTION OF THE~~
16 ~~LAW ENFORCEMENT AGENCY TO WHICH THE SWAT TEAM WAS DEPLOYED FOR~~
17 ~~EACH ACTIVATION~~ THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL
18 CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM
19 WAS DEPLOYED FOR EACH ACTIVATION;

20 (3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF
21 THE SWAT TEAM;

22 (4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF
23 ANY, FOR EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM; AND

24 (5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE
25 SWAT TEAM, INCLUDING:

26 (I) THE NUMBER OF ARRESTS MADE, IF ANY;

27 (II) ~~THE TYPE OF EVIDENCE SEIZED, IF ANY~~ WHETHER
28 PROPERTY WAS SEIZED;

29 (III) WHETHER A FORCIBLE ENTRY WAS MADE;

30 (IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT
31 TEAM MEMBER; AND

32 (V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS
33 INJURED OR KILLED BY A SWAT TEAM MEMBER.

1 (C) ~~THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE~~
2 ~~OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S OFFICE OF CRIME
3 CONTROL AND PREVENTION, SHALL DEVELOP A STANDARDIZED FORMAT THAT
4 EACH LAW ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE
5 ~~OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S OFFICE OF CRIME
6 CONTROL AND PREVENTION UNDER SUBSECTION (B) OF THIS SECTION.

7 (D) A LAW ENFORCEMENT AGENCY SHALL:

8 (1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS
9 SECTION FOR EACH ~~MONTH~~ 6-MONTH PERIOD AS A REPORT IN THE FORMAT
10 REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND

11 (2) NO LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING
12 THE ~~MONTH~~ 6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT
13 THE REPORT TO:

14 (I) ~~THE OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
15 OFFICE OF CRIME CONTROL AND PREVENTION; AND

16 (II) 1. THE LOCAL GOVERNING BODY OF THE
17 JURISDICTION SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS
18 THE SWAT TEAM THAT IS THE SUBJECT OF THE REPORT; OR

19 2. IF THE JURISDICTION SERVED BY THE LAW
20 ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE
21 SUBJECT OF THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF
22 EXECUTIVE OFFICER OF THE JURISDICTION.

23 (E) (1) ~~THE OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
24 OFFICE OF CRIME CONTROL AND PREVENTION SHALL ANALYZE AND
25 SUMMARIZE THE ~~MONTHLY~~ REPORTS OF LAW ENFORCEMENT AGENCIES
26 SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION.

27 (2) ~~THE OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
28 OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT A REPORT OF
29 THE ANALYSES AND SUMMARIES OF THE REPORTS OF LAW ENFORCEMENT
30 AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE
31 GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN § 2-1246 OF THE STATE
32 GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY BEFORE
33 SEPTEMBER 1 OF EACH YEAR.

1 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
 2 REPORTING PROVISIONS OF THIS SECTION, THE ~~OFFICE OF THE ATTORNEY~~
 3 ~~GENERAL~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL
 4 REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION.

5 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE POLICE
 6 TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND
 7 REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING
 8 PROVISIONS.

9 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH
 10 THE REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS
 11 AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION WITH A
 12 REQUEST TO COMPLY, THE ~~OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
 13 OFFICE OF CRIME CONTROL AND PREVENTION AND THE POLICE TRAINING
 14 COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE
 15 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
 16 ASSEMBLY.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 ~~October~~ July 1, 2009. It shall remain effective for a period of 5 years and, at the end of
 19 June 30, 2014, with no further action required by the General Assembly, this Act shall
 20 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.