

HOUSE BILL 1267

E4

9lr2326
CF SB 447

By: **Delegates Valderrama, Ali, Anderson, Barnes, Benson, Cane, Carr, Carter, Feldman, Guzzone, Howard, Ivey, Kramer, Lee, Manno, McConkey, Pena-Melnyk, Simmons, Smigiel, V. Turner, and Waldstreicher**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

A BILL ENTITLED

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 using a certain format; requiring the Police
6 Training Commission, in consultation with the Office, to develop a standardized
7 format that certain law enforcement agencies shall use in reporting certain data
8 relating to the activation and deployment of certain SWAT teams to the Office
9 and to certain local officials; requiring a law enforcement agency to compile
10 certain information as a report in a certain format and to submit the report to
11 the Office no later than a certain date following the period that is the subject of
12 the report; requiring the Office to analyze and summarize certain reports of law
13 enforcement agencies and to submit a report of the analyses and summaries to
14 the Governor, the General Assembly, and each law enforcement agency before a
15 certain date of each year; providing that, if a law enforcement agency fails to
16 comply with the reporting provisions of this Act, the Office shall report the
17 noncompliance to the Police Training Commission; providing that the
18 Commission shall contact a certain law enforcement agency and request that
19 the agency comply with this Act under certain circumstances; providing that, if
20 a certain law enforcement agency fails to comply with certain reporting
21 provisions within a certain period after being contacted by the Commission, the
22 Office of the Attorney General and the Commission jointly shall make a certain
23 report to the Governor and the Legislative Policy Committee of the General
24 Assembly; defining certain terms; and generally relating to the activation and
25 deployment of SWAT teams.

26 BY adding to
27 Article – Public Safety
28 Section 3–507

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2003 Volume and 2008 Supplement)

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

5 **Article – Public Safety**

6 **3–507.**

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
8 MEANINGS INDICATED.

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

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

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

18 (5) “SWAT TEAM” MEANS A SPECIAL UNIT COMPOSED OF TWO OR
19 MORE LAW ENFORCEMENT OFFICERS WITHIN A LAW ENFORCEMENT AGENCY
20 TRAINED TO DEAL WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND
21 HAVING SPECIAL EQUIPMENT AND WEAPONS, SUCH AS RIFLES MORE POWERFUL
22 THAN THOSE CARRIED BY REGULAR POLICE OFFICERS.

23 (B) ON A MONTHLY BASIS, BEGINNING JANUARY 1, 2010, A LAW
24 ENFORCEMENT AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE
25 FOLLOWING INFORMATION TO THE OFFICE OF THE ATTORNEY GENERAL USING
26 THE FORMAT DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

27 (1) THE NUMBER OF TIMES THE SWAT TEAM WAS ACTIVATED
28 AND DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS MONTH;

29 (2) WITHOUT IDENTIFYING AN EXACT ADDRESS, THE
30 APPROXIMATE LOCATION WITHIN OR OUTSIDE OF THE JURISDICTION OF THE
31 LAW ENFORCEMENT AGENCY TO WHICH THE SWAT TEAM WAS DEPLOYED FOR
32 EACH ACTIVATION;

1 **(3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF**
2 **THE SWAT TEAM;**

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

5 **(5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE**
6 **SWAT TEAM, INCLUDING:**

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

8 **(II) THE TYPE OF EVIDENCE SEIZED, IF ANY;**

9 **(III) WHETHER A FORCIBLE ENTRY WAS MADE;**

10 **(IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT**
11 **TEAM MEMBER; AND**

12 **(V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS**
13 **INJURED OR KILLED BY A SWAT TEAM MEMBER.**

14 **(C) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE**
15 **OFFICE OF THE ATTORNEY GENERAL, SHALL DEVELOP A STANDARDIZED**
16 **FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE IN REPORTING**
17 **DATA TO THE OFFICE OF THE ATTORNEY GENERAL UNDER SUBSECTION (B) OF**
18 **THIS SECTION.**

19 **(D) A LAW ENFORCEMENT AGENCY SHALL:**

20 **(1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS**
21 **SECTION FOR EACH MONTH AS A REPORT IN THE FORMAT REQUIRED UNDER**
22 **SUBSECTION (C) OF THIS SECTION; AND**

23 **(2) NO LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING**
24 **THE MONTH THAT IS THE SUBJECT OF THE REPORT, SUBMIT THE REPORT TO:**

25 **(I) THE OFFICE OF THE ATTORNEY GENERAL; AND**

26 **(II) 1. THE LOCAL GOVERNING BODY OF THE**
27 **JURISDICTION SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS**
28 **THE SWAT TEAM THAT IS THE SUBJECT OF THE REPORT; OR**

29 **2. IF THE JURISDICTION SERVED BY THE LAW**
30 **ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE**

1 SUBJECT OF THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF
2 EXECUTIVE OFFICER OF THE JURISDICTION.

3 (E) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL ANALYZE
4 AND SUMMARIZE THE MONTHLY REPORTS OF LAW ENFORCEMENT AGENCIES
5 SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION.

6 (2) THE OFFICE OF THE ATTORNEY GENERAL SHALL SUBMIT A
7 REPORT OF THE ANALYSES AND SUMMARIES OF THE REPORTS OF LAW
8 ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION
9 TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN § 2-1246 OF
10 THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY
11 BEFORE SEPTEMBER 1 OF EACH YEAR.

12 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
13 REPORTING PROVISIONS OF THIS SECTION, THE OFFICE OF THE ATTORNEY
14 GENERAL SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING
15 COMMISSION.

16 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE POLICE
17 TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND
18 REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING
19 PROVISIONS.

20 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH
21 THE REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS
22 AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION WITH A
23 REQUEST TO COMPLY, THE OFFICE OF THE ATTORNEY GENERAL AND THE
24 POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE
25 TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE
26 GENERAL ASSEMBLY.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009.