

HOUSE BILL 1504

E4

9lr2774

By: **Prince George's County Delegation**

Introduced and read first time: March 4, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – SWAT Team Activation and Deployment – Reports**

3 **PG 329–09**

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

28 BY adding to

29 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3-507
2 Annotated Code of Maryland
3 (2003 Volume and 2008 Supplement)

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

6 **Article - Public Safety**

7 **3-507.**

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

10 (2) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY
11 OPERATING IN PRINCE GEORGE'S COUNTY THAT IS LISTED IN § 3-101(E) OF
12 THIS TITLE.

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

17 (4) "POLICE TRAINING COMMISSION" MEANS THE UNIT WITHIN
18 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
19 ESTABLISHED UNDER § 3-202 OF THIS TITLE.

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

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

29 (1) THE NUMBER OF TIMES THE SWAT TEAM WAS ACTIVATED
30 AND DEPLOYED IN PRINCE GEORGE'S COUNTY BY THE LAW ENFORCEMENT
31 AGENCY IN THE PREVIOUS MONTH;

32 (2) WITHOUT IDENTIFYING AN EXACT ADDRESS, THE
33 APPROXIMATE LOCATION WITHIN OR OUTSIDE THE JURISDICTION OF THE LAW

1 ENFORCEMENT AGENCY TO WHICH THE SWAT TEAM WAS DEPLOYED FOR EACH
2 ACTIVATION;

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

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

7 (5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE
8 SWAT TEAM, INCLUDING:

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

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

11 (III) WHETHER A FORCIBLE ENTRY WAS MADE;

12 (IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT
13 TEAM MEMBER; AND

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

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

21 (D) A LAW ENFORCEMENT AGENCY SHALL:

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

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

27 (I) THE OFFICE OF THE ATTORNEY GENERAL; AND

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

1 **2. IF THE JURISDICTION SERVED BY THE LAW**
2 **ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE**
3 **SUBJECT OF THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF**
4 **EXECUTIVE OFFICER OF THE JURISDICTION.**

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

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

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

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

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

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