

CHAPTER 543

(House Bill 1267)

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

FOR the purpose of requiring, at certain intervals beginning on a certain date, a law enforcement agency that maintains a SWAT team to report certain information to the ~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention using a certain format; requiring the Police Training Commission, in consultation with the ~~Office~~ Governor's Office of Crime Control and Prevention, to develop a standardized format that certain law enforcement agencies shall use in reporting certain data relating to the activation and deployment of certain SWAT teams to the ~~Office~~ Governor's Office of Crime Control and Prevention and to certain local officials; requiring a law enforcement agency to compile certain information as a report in a certain format and to submit the report to the ~~Office~~ Governor's Office of Crime Control and Prevention no later than a certain date following the period that is the subject of the report; requiring the ~~Office~~ Governor's Office of Crime Control and Prevention to analyze and summarize certain reports of law enforcement agencies and to submit a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency before a certain date of each year; providing that, if a law enforcement agency fails to comply with the reporting provisions of this Act, the ~~Office~~ Governor's Office of Crime Control and Prevention shall report the noncompliance to the Police Training Commission; providing that the Commission shall contact a certain law enforcement agency and request that the agency comply with this Act under certain circumstances; providing that, if a certain law enforcement agency fails to comply with certain reporting provisions within a certain period after being contacted by the Commission, the ~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention and the Commission jointly shall make a certain report to the Governor and the Legislative Policy Committee of the General Assembly; providing for the termination of this Act; defining certain terms; and generally relating to the activation and deployment of SWAT teams.

BY adding to

Article – Public Safety

Section 3–507

Annotated Code of Maryland

(2003 Volume and 2008 Supplement)

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

Article - Public Safety

3-507.

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

(2) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY THAT IS LISTED IN § 3-101(E) OF THIS TITLE.

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

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

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

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

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

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

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

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

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

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

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

(III) WHETHER A FORCIBLE ENTRY WAS MADE;

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

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

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

(D) A LAW ENFORCEMENT AGENCY SHALL:

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2009. It shall remain effective for a period of 5 years and, at the end of

June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 19, 2009.