

# SENATE BILL 652

E4

11r2696  
CF HB 507

---

By: **Senator Ramirez**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Use of Electronic Control Devices – Reports**

3 FOR the purpose of requiring a law enforcement agency that issues electronic control  
4 devices to its law enforcement officers to report certain information relating to  
5 the use of electronic control devices annually on or before a certain date to the  
6 Governor’s Office of Crime Control and Prevention using a certain format;  
7 requiring the Police Training Commission, in consultation with the Governor’s  
8 Office of Crime Control and Prevention, the Maryland Chiefs of Police  
9 Association, and the Maryland Sheriffs’ Association, to develop a standardized  
10 format that certain law enforcement agencies shall use in reporting certain data  
11 to the Governor’s Office of Crime Control and Prevention; requiring a law  
12 enforcement agency to compile certain information as a report in a certain  
13 format and to submit the report to the Governor’s Office of Crime Control and  
14 Prevention on or before a certain date; requiring the Governor’s Office of Crime  
15 Control and Prevention to analyze and summarize certain reports of law  
16 enforcement agencies and to submit a report of the analyses and summaries to  
17 the Governor, the General Assembly, and each law enforcement agency on or  
18 before a certain date each year; providing that, if a law enforcement agency fails  
19 to comply with the reporting requirements of this Act, the Governor’s Office of  
20 Crime Control and Prevention shall report the noncompliance to the Police  
21 Training Commission; providing that the Commission shall contact a certain  
22 law enforcement agency and request that the agency comply with this Act under  
23 certain circumstances; providing that, if a certain law enforcement agency fails  
24 to comply with certain reporting provisions within a certain period after being  
25 contacted by the Police Training Commission, the Governor’s Office of Crime

---

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.



1 Control and Prevention and the Commission jointly shall make a certain report  
 2 to the Governor and the Legislative Policy Committee of the General Assembly;  
 3 defining certain terms; providing for the termination of this Act; and generally  
 4 relating to the use of electronic control devices by law enforcement officers.

5 BY adding to  
 6 Article – Public Safety  
 7 Section 3–508  
 8 Annotated Code of Maryland  
 9 (2003 Volume and 2010 Supplement)

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

12 **Article – Public Safety**

13 **3–508.**

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

16 ~~(2) “DEPLOY” MEANS POINTING AN ECD AT A PERSON, WHETHER~~  
 17 ~~OR NOT THE ECD LASER DOT IS AIMED AT THE PERSON.~~

18 ~~(3)~~ (2) (I) “DISCHARGE” MEANS FIRING AN ECD AT A  
 19 PERSON.

20 (II) “DISCHARGE” DOES NOT INCLUDE FIRING AN ECD  
 21 DURING A TRAINING EXERCISE.

22 ~~(4)~~ (3) “ELECTRONIC CONTROL DEVICE” OR “(ECD)” MEANS A  
 23 PORTABLE DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING,  
 24 IMMOBILIZING, OR INFLICTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF  
 25 ELECTRICAL CURRENT.

26 ~~(5)~~ (4) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY  
 27 THAT IS LISTED IN § 3–101(E) OF THIS TITLE.

28 ~~(6)~~ (5) “POLICE TRAINING COMMISSION” MEANS THE UNIT  
 29 WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
 30 ESTABLISHED UNDER § 3–202 OF THIS TITLE.

31 (B) ON OR BEFORE MARCH 31 OF EACH YEAR, A LAW ENFORCEMENT  
 32 AGENCY THAT ISSUES ELECTRONIC CONTROL DEVICES TO ITS LAW  
 33 ENFORCEMENT OFFICERS SHALL REPORT, FOR EACH TIME A LAW

1 ENFORCEMENT OFFICER DISCHARGES AN ECD, THE FOLLOWING INFORMATION  
 2 TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION USING  
 3 THE FORMAT DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

4 ~~(1) FOR EACH TIME A LAW ENFORCEMENT OFFICER DEPLOYS AN~~  
 5 ~~ECD;~~

6 ~~(I) THE DATE, TIME, AND LOCATION OF THE DEPLOYMENT;~~  
 7 ~~AND~~

8 ~~(II) THE RACE, GENDER, AND AGE OF THE PERSON AGAINST~~  
 9 ~~WHOM THE ECD WAS DEPLOYED; AND~~

10 ~~(2) FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES~~  
 11 ~~AN ECD:~~

12 ~~(I) (1) THE DATE, TIME, AND LOCATION OF THE~~  
 13 ~~DISCHARGE;~~

14 ~~(II) (2) THE TYPE OF MODE USED AND THE POINT OF~~  
 15 ~~IMPACT;~~

16 ~~(III) (3) THE NUMBER OF ECD CYCLES, THE DURATION OF~~  
 17 ~~EACH CYCLE, AND THE DURATION BETWEEN CYCLES;~~

18 ~~(IV) (4) THE RACE, GENDER, AND AGE OF THE PERSON~~  
 19 ~~AGAINST WHOM THE ECD WAS DISCHARGED;~~

20 ~~(V) (5) THE LAW ENFORCEMENT OFFICER'S REASON FOR~~  
 21 ~~DISCHARGING THE ECD;~~

22 ~~(VI) (6) THE TYPE OF WEAPON, IF ANY, POSSESSED BY THE~~  
 23 ~~PERSON AGAINST WHOM THE ECD WAS DISCHARGED;~~

24 ~~(VII) (7) THE TYPE OF INCIDENT IN WHICH THE PERSON~~  
 25 ~~AGAINST WHOM THE ECD WAS DISCHARGED WAS INVOLVED;~~

26 ~~(VIII) ANY RISK FACTORS PRESENT AT THE TIME OF THE~~  
 27 ~~DISCHARGE;~~

28 ~~(IX) (8) ANY INJURIES OR DEATHS RESULTING FROM THE~~  
 29 ~~DISCHARGE OTHER THAN PUNCTURES OR LACERATIONS CAUSED BY THE ECD~~  
 30 ~~PROBES; AND~~

1                   ~~(8)~~ **(9)**       THE TYPE OF MEDICAL CARE, IF ANY, PROVIDED  
2 TO THE PERSON AGAINST WHOM THE ECD WAS DISCHARGED, OTHER THAN THE  
3 TREATMENT OF PUNCTURES OR LACERATIONS CAUSED BY THE ECD PROBES.

4           **(C)**   THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE  
5 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, THE MARYLAND  
6 CHIEFS OF POLICE ASSOCIATION, AND THE MARYLAND SHERIFFS'  
7 ASSOCIATION, SHALL DEVELOP A STANDARDIZED FORMAT THAT EACH LAW  
8 ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE GOVERNOR'S  
9 OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION (B) OF  
10 THIS SECTION.

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

12                   **(1)**    COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS  
13 SECTION FOR EACH YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER  
14 SUBSECTION (C) OF THIS SECTION;

15                   **(2)**    NOT LATER THAN MARCH 31 OF EACH YEAR, SUBMIT THE  
16 REPORT TO:

17                           **(I)**    THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
18 PREVENTION; AND

19                                   **(II)**  1.   THE LOCAL GOVERNING BODY OF THE  
20 JURISDICTION SERVED BY THE LAW ENFORCEMENT AGENCY THAT IS THE  
21 SUBJECT OF THE REPORT; OR

22   2.   IF THE JURISDICTION SERVED BY THE LAW  
23 ENFORCEMENT AGENCY THAT IS THE SUBJECT OF THE REPORT IS A MUNICIPAL  
24 CORPORATION, THE CHIEF EXECUTIVE OFFICER OF THE JURISDICTION; AND

25                   **(3)**    MAKE THE REPORT AVAILABLE TO THE PUBLIC ON REQUEST.

26           **(E)**  **(1)**   THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
27 PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW  
28 ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS  
29 SECTION.

30                   **(2)**   THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
31 PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF  
32 THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1)  
33 OF THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY, AS

1 PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW  
 2 ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 19 October 1, 2011. It shall remain effective for a period of 5 years and, at the end of  
 20 September 30, 2016, with no further action required by the General Assembly, this Act  
 21 shall be abrogated and of no further force and effect.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.