

Chapter 78

(Senate Bill 652)

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

FOR the purpose of requiring a law enforcement agency that issues electronic control devices to its law enforcement officers to report certain information relating to the use of electronic control devices annually on or before a certain date to the Governor's Office of Crime Control and Prevention using a certain format; requiring the Police Training Commission, in consultation with the Governor's Office of Crime Control and Prevention, the Maryland Chiefs of Police Association, and the Maryland Sheriffs' Association, to develop a standardized format that certain law enforcement agencies shall use in reporting certain data to the Governor's Office of Crime Control and Prevention; requiring a law enforcement agency to compile certain information as a report in a certain format and to submit the report to the Governor's Office of Crime Control and Prevention on or before a certain date; requiring the 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 on or before a certain date each year; providing that, if a law enforcement agency fails to comply with the reporting requirements of this Act, the 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 Police Training Commission, the 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; defining certain terms; providing for the termination of this Act; and generally relating to the use of electronic control devices by law enforcement officers.

BY adding to

Article – Public Safety

Section 3–508

Annotated Code of Maryland

(2003 Volume and 2010 Supplement)

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

Article – Public Safety

3-508.

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

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

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

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

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

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

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

(B) ON OR BEFORE MARCH 31 OF EACH YEAR, A LAW ENFORCEMENT AGENCY THAT ISSUES ELECTRONIC CONTROL DEVICES TO ITS LAW ENFORCEMENT OFFICERS SHALL REPORT, FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES AN ECD, THE FOLLOWING INFORMATION TO THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION USING THE FORMAT DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

~~(1) FOR EACH TIME A LAW ENFORCEMENT OFFICER DEPLOYS AN ECD:~~

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

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

~~(2) FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES AN ECD;~~

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

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

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

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

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

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

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

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

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

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

(C) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, THE MARYLAND CHIEFS OF POLICE ASSOCIATION, AND THE MARYLAND SHERIFFS' ASSOCIATION, SHALL DEVELOP A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE 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 YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION;

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

(I) THE 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 IS THE SUBJECT OF THE REPORT; OR

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

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

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

(2) THE 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 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 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 1, 2011. It shall remain effective for a period of 5 years and, at the end of September 30, 2016, 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, April 12, 2011.