

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 652

(Senator Ramirez)

Judicial Proceedings

Judiciary

Public Safety - Use of Electronic Control Devices - Reports

This bill requires law enforcement agencies to annually report on the use of an electronic control device (ECD), which is defined as a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

The bill terminates after September 30, 2016.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with the existing budgeted resources of affected State agencies.

Local Effect: Minimal. It is assumed that the bill's reporting requirements can generally be handled by any local law enforcement agency issuing ECDs.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires a law enforcement agency that issues ECDs to its law enforcement officers to report specified information relating to the use of ECDs annually on or before March 31 to the Governor's Office of Crime Control and Prevention (GOCCP) using a format developed by the Police Training Commission (PTC), in consultation with GOCCP, the Maryland Chiefs of Police Association, and the Maryland Sheriffs' Association. GOCCP is required to analyze and summarize the reports and to submit analyses and summaries to the Governor, the General Assembly, and each law enforcement agency on or before September 1 of each year. GOCCP is required to report

any noncompliance with reporting requirements to PTC. The bill requires PTC to contact a noncompliant law enforcement agency to request compliance. If compliance requirements are not met within 30 days of contact by PTC, GOCCP and PTC must jointly report the noncompliance to the Governor and the Legislative Policy Committee.

Current Law: A person is prohibited from possessing or using an ECD unless the person is at least 18 years old and has never been convicted of a crime of violence or a specified drug crime.

An ECD is prohibited from being sold and activated unless: (1) an instructional manual or audio or audiovisual instructions are provided to the purchaser; (2) the manufacturer maintains a record of the original owner of the device; and (3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner.

The illegal possession or use of an ECD is a misdemeanor and a violator is subject to maximum penalties of two months imprisonment and/or a \$500 fine. If the violation occurs while the person is committing a separate felony, the violator is guilty of a felony and subject to maximum penalties of three years imprisonment and/or a \$5,000 fine.

A local government is not prohibited from adopting a restriction or requirement concerning the possession of an ECD that is more stringent than what is specified under State law.

The Police and Correctional Training Commissions was required to add entrance-level and annual in-service training in the proper use of electronic control devices to curricula, for police and correctional officers who are issued an electronic control device by a law enforcement agency, consistent with established law enforcement standards and federal and State constitutional provisions.

Background: Stun guns and other ECDs, such as those made by TASER International, Inc., are employed to disrupt the body's electrical system and to temporarily incapacitate the person. Various news accounts have questioned the relative safety of any electronic weapon in light of deaths occurring after a police or correctional officer's use of such a weapon, in the United States and abroad. In November 2007, a 20-year-old Frederick, Maryland man died after police used a TASER on him. On February 8, 2011, a teenager in Baltimore City fell off of a roof after he was tasered during an altercation with officers from the Warrant Apprehension Task Force.

Additional Information

Prior Introductions: None.

Cross File: HB 507 (Delegate Branch, *et al.*) - Judiciary.

Information Source(s): Carroll, Harford, Montgomery, and Queen Anne's counties; City of Salisbury; Town of Bel Air; Town of Leonardtown; Department of State Police; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of General Services; Department of Natural Resources; University System of Maryland; Department of Legislative Services

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