Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 590   (Senator Forehand, *et al.*)

Judicial Proceedings   Judiciary

Public Safety - SWAT Team Reports - Required Information and Extension of Sunset

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This bill extends the termination date, July 1, 2014, to July 1, 2017, for provisions of law that require law enforcement agencies to submit specified SWAT team reports to the Governor's Office of Crime Control and Prevention (GOCCP) and local jurisdictions. The bill also requires law enforcement agencies to report information about each activation and deployment of a SWAT team, as specified, and requires the following information to be included in those reports:

- whether a SWAT team member or other law enforcement officer was injured or killed during an activation or deployment of the team;
- the number of SWAT team members deployed;
- a description of any nonstandard equipment used during a deployment; and
- the identity of any law enforcement agencies that were notified of the deployment prior to the deployment.

Fiscal Summary

State Effect: None. Extending the termination date for SWAT team reports for an additional three years and adding new reporting requirements generally maintains current reporting responsibilities for State law enforcement agencies through FY 2017.

Local Effect: None. Extending the termination date for SWAT team reports for an additional three years and adding new reporting requirements generally maintains current reporting responsibilities for local law enforcement agencies through FY 2017.

Small Business Effect: None.

Analysis

Current Law: Chapters 542 and 543 of 2009 (SB 447/HB 1267) require a law enforcement agency that maintains a SWAT team to report the following information to GOCCP and the appropriate county or municipal governing body, on a biannual basis:

- the number of times the team was activated and deployed by the law enforcement agency in the previous six months;
- the name of the county and/or municipality and zip code of the location where the team was deployed for each activation;
- the reason for each activation and deployment;
- the legal authority, including type of warrant, if any, for each activation and deployment; and
- the result of each activation and deployment, including (1) the number of arrests made, if any; (2) whether property was seized; (3) whether a forcible entry was made; (4) whether a weapon was discharged by a SWAT team member; and (5) whether a person or domestic animal was injured or killed by a team member.

The Police Training Commission (PTC), in consultation with GOCCP, was required to develop a standardized format for the reports. GOCCP is required to analyze and summarize the biannual reports and submit a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency before September 1 of each year.

If a law enforcement agency fails to comply with the reporting provisions, GOCCP must report the noncompliance to PTC. Upon receipt of a noncompliance report, PTC must contact the law enforcement agency and request that the agency comply with the required reporting provisions. If the agency fails to comply within 30 days after such a request, GOCCP and PTC must jointly report the noncompliance to the Governor and the Legislative Policy Committee.

The provisions of Chapters 542 and 543 terminate June 30, 2014.

Additional Information

Prior Introductions: None.

Cross File: HB 1178 (Delegate Valderrama) – Judiciary. As amended, the bill is identical to HB 1520 (Delegate Parrott – Judiciary).