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§3-508. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2016 PER CHAPTERS 78 AND 79 OF 2011 //

- (a) (1) In this section the following words have the meanings indicated.
- (2) (i) “Discharge” means firing an ECD at a person.
- (ii) “Discharge” does not include firing an ECD during a training exercise.
- (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.
- (4) “Law enforcement agency” means an agency that is listed in § 3-101(e) of this title.
- (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) the date, time, and location of the discharge;
- (2) the type of mode used and the point of impact;
- (3) the number of ECD cycles, the duration of each cycle, and the duration between cycles;
- (4) the race, gender, and age of the person against whom the ECD was discharged;
- (5) the law enforcement officer’s reason for discharging the ECD;
- (6) the type of weapon, if any, possessed by the person against whom the ECD was discharged;
- (7) the type of incident in which the person against whom the ECD was discharged was involved;

(8) any injuries or deaths resulting from the discharge other than punctures or lacerations caused by the ECD probes; and

(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.

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