

SENATE BILL 442

E4

8lr1567

By: **Senator Norman**

Introduced and read first time: January 25, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2018

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Maryland Electronic Telecommunications Enforcement**
3 **Resource System – Body Attachments**

4 FOR the purpose of requiring the Department of State Police to cooperate with certain
5 entities to incorporate body attachments into the Maryland Electronic
6 Telecommunications Enforcement Resource System (METERS); establishing that
7 clerks of the courts and appropriate local law enforcement agencies are responsible
8 for certain activities related to body attachments entered in METERS; authorizing
9 a judge or law enforcement agency or officer to access METERS to determine the
10 status of certain outstanding body attachments; altering certain terminology;
11 defining “body attachment”; and generally relating to body attachments and the
12 Maryland Electronic Telecommunications Enforcement Resource System.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 2–304 and 2–305
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2017 Supplement)

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

20 **Article – Public Safety**

21 2–304.

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 (a) The Department may permit a law enforcement agency of the State or a State
2 unit to connect with and use a computer or communication system established by the
3 Department for statewide use including:

4 (1) a voice communication system;

5 (2) a data communication system;

6 (3) a message switching system;

7 (4) the Maryland [Interagency Law Enforcement System (MILES)]
8 **ELECTRONIC TELECOMMUNICATIONS ENFORCEMENT RESOURCE SYSTEM**
9 **(METERS)**;

10 (5) the National Crime Information Center (NCIC); and

11 (6) the National Law Enforcement Telecommunications System (NLETS).

12 (b) (1) The connection with and use of a computer or communication system
13 under this section is subject to rules adopted by the Secretary to:

14 (i) promote the purposes of this title;

15 (ii) ensure the effective, economical, and efficient utilization of the
16 entire system; and

17 (iii) prevent interference with the law enforcement duties of the
18 Department.

19 (2) Violation of a rule adopted under this subsection is a sufficient basis to
20 withdraw permission to connect with and use the computer or communication system.

21 (c) (1) Except as provided in paragraph (2) of this subsection, as provided in
22 the State budget, the State shall pay the cost of rental of the computer and communication
23 equipment and the circuitry necessary for the equipment under this section.

24 (2) A law enforcement agency that uses the Department's computer or
25 communication system shall pay the costs of supplies and other charges for the rental or
26 purchase of terminal devices and the circuitry necessary to connect with the Department's
27 computer or communication system.

28 2-305.

29 (a) (1) In this section the following words have the meanings indicated.

30 (2) **"BODY ATTACHMENT" MEANS A WRITTEN ORDER ISSUED BY A**

1 COURT DIRECTING A SHERIFF OR LAW ENFORCEMENT OFFICER TO TAKE CUSTODY
2 OF AND BRING BEFORE THE COURT:

3 (I) A WITNESS WHO FAILS TO COMPLY WITH A SUBPOENA;

4 (II) A MATERIAL WITNESS IN A CRIMINAL ACTION; OR

5 (III) A PARTY IN A CIVIL ACTION WHO FAILS TO COMPLY WITH AN
6 ORDER OF COURT.

7 [(2)] (3) "Civil child support warrant" means any of the following, when
8 issued for the enforcement of a child support order:

9 (i) an arrest warrant;

10 (ii) a bench warrant;

11 (iii) a body attachment issued by a circuit court; or

12 (iv) a warrant for failure to appear.

13 [(3)] (4) "Civil protective order" means:

14 (i) a temporary ex parte order issued under § 4-505 of the Family
15 Law Article;

16 (ii) a protective order issued under § 4-506 of the Family Law
17 Article; or

18 (iii) an order for protection, as defined in § 4-508.1 of the Family Law
19 Article, issued by a court of another state or a Native American tribe and filed with the
20 District Court or a circuit court under § 4-508.1 of the Family Law Article.

21 [(4)] (5) "System" means the Maryland [Interagency Law Enforcement]
22 ELECTRONIC TELECOMMUNICATIONS ENFORCEMENT RESOURCE System
23 (METERS).

24 (b) The Department shall:

25 (1) cooperate with local child support enforcement offices and law
26 enforcement agencies to receive, accept, and incorporate civil child support warrants in the
27 System; and

28 (2) cooperate with the Administrative Office of the Courts, the Chief Clerk
29 of the District Court of Maryland, and the clerks of the circuit courts to receive, accept, and
30 incorporate BODY ATTACHMENTS AND civil protective orders in the System.

1 (c) (1) Local child support enforcement offices and appropriate local law
 2 enforcement agencies shall be responsible for entry, maintenance, and prompt validation
 3 of civil child support warrants in the System in accordance with procedures adopted by the
 4 Department.

5 (2) The clerks of the courts and appropriate local law enforcement agencies
 6 shall be responsible for entry, maintenance, and prompt validation of **BODY**
 7 **ATTACHMENTS AND** civil protective orders in the System in accordance with procedures
 8 adopted by the Department.

9 (d) A judge or law enforcement agency or officer may access the System to
 10 determine the status of:

11 (1) an outstanding civil child support warrant issued by a court of the
 12 State;

13 (2) an outstanding **BODY ATTACHMENT OR** civil protective order issued
 14 by a court of the State; and

15 (3) an outstanding **BODY ATTACHMENT OR** civil protective order issued
 16 by a court of another state or an Indian tribe and filed with the District Court or a circuit
 17 court.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.