
By: **Delegate La Vay**
Introduced and read first time: February 8, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers - Emergency Calls - Notice to Property Owners**

3 FOR the purpose of requiring a law enforcement officer who responds to a call for
4 emergency service on privately owned property to give a certain notice to the
5 property owner under certain circumstances; specifying the contents of the
6 notice; requiring that a law enforcement officer give notice at a certain time;
7 requiring that a property owner who seeks to receive notice of a call for
8 emergency service complete a certain notification request form; specifying the
9 contents of the notification request form; providing that a law enforcement
10 officer is considered to have given notice if the law enforcement officer takes a
11 certain action; providing that a law enforcement officer need not give notice
12 concerning certain law enforcement activities; defining a term; and generally
13 relating to notice to property owners following emergency calls to law
14 enforcement officers.

15 BY adding to
16 Article 27 - Crimes and Punishments
17 Section 734E
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2001 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 734E.

24 (A) IN THIS SECTION, "LAW ENFORCEMENT OFFICER" HAS THE MEANING
25 STATED IN § 727(B) OF THIS SUBHEADING.

26 (B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, AFTER A LAW
27 ENFORCEMENT OFFICER RESPONDS TO A CALL FOR EMERGENCY SERVICE ON
28 PRIVATELY OWNED PROPERTY, THE LAW ENFORCEMENT OFFICER SHALL GIVE
29 NOTICE TO THE PROPERTY OWNER IF:

1 (1) THE PROPERTY OWNER PREVIOUSLY FILED A NOTIFICATION
2 REQUEST FORM UNDER SUBSECTION (D) OF THIS SECTION; AND

3 (2) THE INCIDENT THAT IS THE SUBJECT OF THE CALL RESULTS IN AN
4 ARREST OR THE ISSUANCE OF A CHARGING DOCUMENT.

5 (C) THE NOTICE SHALL INCLUDE:

6 (1) THE DATE AND TIME OF THE CALL FOR EMERGENCY SERVICE;

7 (2) A DESCRIPTION OF ANY ALLEGED CRIMINAL ACTIVITY OR OTHER
8 DISTURBANCE THE LAW ENFORCEMENT OFFICER OBSERVED WHILE RESPONDING
9 TO THE CALL; AND

10 (3) A DESCRIPTION OF ANY PROPERTY DAMAGE RESULTING FROM THE
11 INCIDENT THAT WAS THE SUBJECT OF THE CALL.

12 (D) THE LAW ENFORCEMENT OFFICER SHALL GIVE NOTICE TO THE
13 PROPERTY OWNER NOT LATER THAN 12 HOURS AFTER THE ARREST OR THE
14 ISSUANCE OF A CHARGING DOCUMENT ARISING FROM THE INCIDENT.

15 (E)(1) A PROPERTY OWNER WHO SEEKS TO RECEIVE NOTICE OF A RESPONSE BY
16 A LAW ENFORCEMENT OFFICER TO A CALL FOR EMERGENCY SERVICE UNDER THIS
17 SECTION SHALL PROVIDE THE LAW ENFORCEMENT AGENCY THAT HAS TERRITORIAL
18 JURISDICTION OVER THE OWNER'S PROPERTY WITH A COMPLETED NOTIFICATION
19 REQUEST FORM THAT INCLUDES THE TELEPHONE NUMBER, MAILING ADDRESS, AND
20 NAME OF A PERSON WHO IS TO BE CONTACTED.

21 (2) THE OWNER SHALL PROMPTLY NOTIFY THE LAW ENFORCEMENT
22 AGENCY WHENEVER THE INFORMATION ON A NOTIFICATION REQUEST CHANGES.

23 (F) A LAW ENFORCEMENT OFFICER WHO MAKES A GOOD FAITH ATTEMPT TO
24 CONTACT THE OWNER USING THE INFORMATION UNDER SUBSECTION (E)(1) OF THIS
25 SECTION IS CONSIDERED TO HAVE GIVEN NOTICE UNDER THIS SECTION.

26 (G) THIS SECTION DOES NOT REQUIRE A LAW ENFORCEMENT OFFICER TO
27 GIVE NOTICE CONCERNING LAW ENFORCEMENT ACTIVITY THAT:

28 (1) OCCURS ON THE PROPERTY AS PART OF AN ONGOING
29 INVESTIGATION; OR

30 (2) MAY COMPROMISE THE SAFETY OF LAW ENFORCEMENT PERSONNEL
31 OR THE PUBLIC.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2002.