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By: **Delegates Griffith, R. Baker, Brown, D. Davis, Menes, Valderrama, and Kelly**

Introduced and read first time: February 8, 2002

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement - Use of Force - Training, Policies, and Equipment**

3 FOR the purpose of allowing a certain fund to be used to acquire equipment to assist  
4 law enforcement officers in using certain alternatives to the use of certain force;  
5 requiring the Police Training Commission to adopt regulations requiring a police  
6 officer to be trained in the lowest level of force necessary to protect the safety of  
7 the officer and the public, including training in less lethal alternatives to the use  
8 of deadly force and the discharge of firearms; establishing a certain immunity  
9 from liability for law enforcement officers who use less lethal alternatives to the  
10 use of deadly force under certain circumstances; requiring a law enforcement  
11 agency to adopt certain policies and procedures concerning use of force and less  
12 lethal alternatives to the use of deadly force and the discharge of firearms under  
13 certain circumstances; and generally relating to training, policies, and  
14 equipment relating to use of force by law enforcement officers.

15 BY repealing and reenacting, with amendments,  
16 Article 41 - Governor - Executive and Administrative Departments  
17 Section 4-101 and 4-201(d)  
18 Annotated Code of Maryland  
19 (1997 Replacement Volume and 2001 Supplement)

20 BY adding to  
21 Article - Courts and Judicial Proceedings  
22 Section 5-613.1  
23 Annotated Code of Maryland  
24 (1998 Replacement Volume and 2001 Supplement)

25 BY adding to  
26 Article - Criminal Procedure  
27 Section 2-108  
28 Annotated Code of Maryland  
29 (2001 Volume)

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

3 **Article 41 - Governor - Executive and Administrative Departments**

4 4-101.

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

6 (2) "Executive Director" means the Executive Director of the Governor's  
7 Office of Crime Control and Prevention.

8 (3) "Fund" means the Law Enforcement Equipment Fund established  
9 under this section.

10 (4) "Local law enforcement agency" means the agency of any county or  
11 municipal corporation, including Baltimore City, within this State that performs  
12 police protection functions.

13 (5) "Law Enforcement Equipment" means any equipment used for law  
14 enforcement purposes including body armor, crime tracking technology, photo  
15 imaging equipment, surveillance devices, weapons, ammunition, and communication  
16 devices.

17 (b) A Law Enforcement Equipment Fund is established to assist local law  
18 enforcement agencies in acquiring law enforcement equipment needed to:

19 (1) [address] ADDRESS violent crime; AND

20 (2) ASSIST LAW ENFORCEMENT OFFICERS IN USING LESS LETHAL  
21 ALTERNATIVES TO THE USE OF DEADLY FORCE AND THE DISCHARGE OF FIREARMS.

22 (c) (1) The Executive Director shall administer the Fund in accordance with  
23 this section and other applicable law.

24 (2) The Fund shall consist of money appropriated in the State budget.

25 (3) Payments out of the Fund shall be made to a local law enforcement  
26 agency by the State Treasurer as authorized by the Executive Director.

27 (4) (i) The Fund is a continuing, nonlapsing fund which is not subject  
28 to § 7-302 of the State Finance and Procurement Article.

29 (ii) The Treasurer shall separately hold and the Comptroller shall  
30 account for the Fund in conjunction with the Executive Director.

31 (iii) The Treasurer may invest moneys in the Fund in the same  
32 manner as other State money may be invested.

1 (d) (1) (I) The Executive Director shall establish application procedures  
2 for local law enforcement agencies to apply for aid from the Fund, with funding  
3 priority given to those jurisdictions with the highest incidence of violent crime.

4 (II) THE EXECUTIVE DIRECTOR SHALL ALSO CONSIDER THE  
5 NUMBER OF EXCESSIVE FORCE COMPLAINTS FILED AGAINST MEMBERS OF A LOCAL  
6 LAW ENFORCEMENT AGENCY WHEN DECIDING TO PROVIDE GRANTS UNDER THIS  
7 SECTION.

8 (2) A local law enforcement agency applying for aid from the Fund shall  
9 provide the following information to the Executive Director:

10 (i) The number of violent crime incidents committed within the  
11 jurisdiction of the local law enforcement agency for the last 2 years;

12 (II) THE NUMBER OF EXCESSIVE FORCE COMPLAINTS FILED  
13 AGAINST MEMBERS OF THE LOCAL LAW ENFORCEMENT AGENCY FOR THE LAST 2  
14 YEARS; and

15 [(ii)] (III) Any other information that the Executive Director deems  
16 necessary in making awards for law enforcement equipment.

17 (e) The Executive Director, to the extent provided in the State budget, shall  
18 provide grants for the purchase or replacement of law enforcement equipment to local  
19 law enforcement agencies based upon the comparative needs of each local law  
20 enforcement agency as determined from the information provided under subsection  
21 (d)(2) of this section.

22 (f) The aid distributed under this section shall be used to supplement, not  
23 supplant, other local law enforcement funding.

24 (g) After a local law enforcement agency receives notice of a grant award from  
25 the Executive Director, the local law enforcement agency must submit proof of  
26 expenditures on law enforcement equipment to the Executive Director.

27 (h) The Executive Director shall report annually by September 1 to the  
28 Governor and, in accordance with § 2-1246 of the State Government Article, to the  
29 General Assembly, as to the distribution of aid provided under this section.

30 4-201.

31 (d) Subject to the authority of the Secretary of Public Safety and Correctional  
32 Services, the Commission is vested with the following authority, responsibility and  
33 duty:

34 (1) To prescribe standards for the approval and continuation of approval  
35 of entrance-level and in-service schools at which police training courses required by  
36 this section shall be conducted, including but not limited to present existing State,  
37 regional, county, and municipal police training schools;

1           (2)     To approve and issue certificates of approval to such training schools,  
2 to inspect such schools from time to time, and to revoke for cause any approval or  
3 certificate issued to such school;

4           (3)     To prescribe the curriculum, the minimum courses of study,  
5 attendance requirements, eligibility to attend, equipment and facilities, and  
6 standards of operation for such training schools, and to require that the curriculum  
7 and minimum courses of study for entry police training and, at least every 3 years, for  
8 in-service level police training conducted by the State and all county and municipal  
9 police training schools include special training, attention to, and study of the  
10 application and the enforcement of the criminal laws concerning rape and sexual  
11 offenses, including the sexual abuse of children, related evidentiary procedures, and  
12 also the contact with and treatment of victims of these crimes;

13          (4)     To prescribe minimum qualifications for instructors at such schools  
14 and to certify, as qualified, instructors for approved training schools and to issue  
15 appropriate certificates to such instructors;

16          (5)     To verify that officers have satisfactorily completed training  
17 programs and to issue diplomas to those officers;

18          (6)     To certify persons as police officers who have:

19                 (i)     Satisfactorily met the Commission's standards; or

20                 (ii)    Provided the Commission with sufficient evidence that he or  
21 she has satisfactorily completed a training program in another state of equal quality  
22 and content as required by the Commission;

23          (7)     To suspend or revoke the certification, provided for in paragraph (6)  
24 of this subsection, if the police officer has violated or has failed to meet the  
25 Commission's standards, including having knowingly failed to report suspected child  
26 abuse in violation of § 5-704 of the Family Law Article;

27          (8)     To conduct and operate approved police training schools as defined in  
28 this subtitle;

29          (9)     To appoint, with the approval of the Secretary of Public Safety and  
30 Correctional Services, an executive director, a deputy director, and such other  
31 employees as it shall deem necessary, to serve at its pleasure, who shall perform  
32 general administrative and training management functions, and to fix their  
33 compensation;

34          (10)    To employ such other persons as may be necessary to carry out the  
35 provisions of this section, upon approval of the Secretary of Public Safety and  
36 Correctional Services and the legislature;

37          (11)    To make such rules and regulations as may be reasonably necessary  
38 or appropriate to accomplish the purposes and objectives of this section;

1 (12) To make a continuous study of entrance-level and in-service training  
2 methods and procedures and to consult with and accept the cooperation of any  
3 recognized federal, State, or municipal law enforcement agency or educational  
4 institution;

5 (13) To consult and cooperate with universities, colleges and institutions  
6 in the State for the development of specialized courses of study for police officers in  
7 police science and police administration;

8 (14) To consult and cooperate with other departments and agencies of the  
9 State concerned with police training;

10 (15) To adopt regulations to establish and enforce standards for prior  
11 substance abuse by persons applying for certification as a police officer; [and]

12 (16) TO ADOPT REGULATIONS REQUIRING TRAINING A POLICE OFFICER  
13 TO USE THE LOWEST LEVEL OF FORCE NECESSARY TO PROTECT THE SAFETY OF THE  
14 OFFICER AND THE PUBLIC, INCLUDING TRAINING IN LESS THAN LETHAL  
15 ALTERNATIVES TO THE USE OF DEADLY FORCE AND THE DISCHARGE OF FIREARMS;  
16 AND

17 [(16)] (17) To perform such other acts as may be necessary or appropriate  
18 to carry out its functions and duties as set forth in this section.

19 **Article - Courts and Judicial Proceedings**

20 5-613.1.

21 A LAW ENFORCEMENT OFFICER WHO USES LESS LETHAL ALTERNATIVES TO  
22 THE USE OF DEADLY FORCE UNDER CIRCUMSTANCES WHEN THE USE OF DEADLY  
23 FORCE IS AUTHORIZED SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY IF  
24 THE LAW ENFORCEMENT OFFICER ACTS IN GOOD FAITH AND IN A REASONABLE  
25 MANNER.

26 **Article - Criminal Procedure**

27 2-108.

28 (A) A LAW ENFORCEMENT AGENCY SHALL HAVE WRITTEN POLICIES AND  
29 PROCEDURES RELATING TO USE OF FORCE, INCLUDING DEADLY FORCE AND USE OF  
30 FIREARMS.

31 (B) WHEN ADOPTING POLICIES AND PROCEDURES CONCERNING USE OF  
32 FORCE AND DEADLY FORCE, A LAW ENFORCEMENT AGENCY SHALL CONSIDER  
33 ADOPTING LESS LETHAL FORCE POLICIES AND ALTERNATIVES TO USE OF DEADLY  
34 FORCE.

35 (C) A LAW ENFORCEMENT AGENCY SHALL REVIEW ANNUALLY ITS POLICIES  
36 AND PROCEDURES RELATING TO USE OF FORCE, AND SHALL REVISE THESE POLICIES  
37 IF APPROPRIATE.

1 (D) WHEN ADOPTING OR CONSIDERING WHETHER TO REVISE WRITTEN  
2 POLICES AND PROCEDURES REQUIRED UNDER THIS SECTION, A LAW ENFORCEMENT  
3 AGENCY SHALL CONSIDER WHETHER EQUIPMENT OR OTHER TECHNOLOGY IS  
4 AVAILABLE TO THE AGENCY THAT WILL ALLOW LESS LETHAL FORCE POLICIES AND  
5 ALTERNATIVES TO USE OF DEADLY FORCE.

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