

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1033
Judiciary

(Delegate La Vay)

Law Enforcement Officers - Emergency Calls - Notice to Property Owners

This bill requires an officer who responds to a call for emergency service on privately owned property to provide the property owner with a notice containing specified information about the law enforcement activity if: (1) the owner previously filed a request for notification; and (2) the incident that is the subject of the call results in an arrest or the issuance of a charging document. The officer must provide the notice within 12 hours of the arrest or issuance of the charging document. The bill provides a procedure for property owners to request such notification.

Fiscal Summary

State Effect: This bill is not expected to have a material impact on State operations or finances.

Local Effect: Potential increase in expenditures for local law enforcement agencies to establish a system or database that tracks notification requests received and notices given.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: An officer who responds to a call for emergency service on privately owned property must provide the property owner with a notice if: (1) the property owner filed a request for notification; and (2) the incident that is the subject of the call results in an arrest or the issuance of a charging document. The officer must provide the notice within 12 hours of the arrest or issuance of the charging document. The notice must

include: (1) the date and time of the emergency call; (2) a description of any alleged criminal activity or other disturbance observed by the officer; and (3) a description of any property damage resulting from the incident that was the subject of the call.

A property owner who wishes to receive such notice must provide the law enforcement agency with jurisdiction over the owner's property with a completed notification request form that includes the telephone number, mailing address, and name of a contact person. The owner must promptly notify the agency whenever information on the request form changes.

An officer who makes a good faith attempt to contact the owner using the information in the notification request form is considered to have given the requisite notice. An officer need not give notice concerning law enforcement activity that: (1) occurs on the property as part of an ongoing investigation; or (2) may compromise the safety of law enforcement personnel.

Current Law: There is no law requiring law enforcement officers to provide notice of law enforcement activity that results in arrest or issuance of a charging document to private property owners.

Background: The practice of notifying property owners of law enforcement activity on an owner's property varies by county. Prince George's County advises that its officers often provide private property owners with a notification similar to the notice required by this bill. This county responded to about 500,000 emergency service calls in calendar 2000. The estimated population of Prince George's County is 812,200.

By contrast, Frederick County advises that it does not provide notice to property owners as a matter of course. In calendar 2001, this county's sheriff's office responded to about 15,600 emergency calls on private property. Frederick County has an estimated population of 205,972.

Local Expenditures: Local law enforcement agencies will require some systematic method for tracking the notification requests and notices to owners, which may result in additional administrative costs for each agency. The fiscal effect will vary by county and cannot be reliably quantified at this time; however, it is not expected to be significant in any given jurisdiction.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick County, Prince George's County, Department of State Police, Department of Legislative Services

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