

HB0539/238375/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 539

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “sold” insert “, possessed, or used”; in line 6, after “unless” insert “the electronic control device meets”; in the same line, strike “are met”; in line 9, after “Act;” insert “requiring the Police Training Commission to require that certain curriculum and minimum courses of study include certain training for certain officers; requiring the Correctional Training Commission to require that certain curriculum include certain training for certain officers and to establish certain standards; requiring the Governor’s Office of Crime Control and Prevention to submit a certain report to certain committees on or before a certain date;”; strike beginning with “certain” in line 14 down through “terms” in line 15 and substitute “a certain term”; and after line 21, insert:

“BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–207

Annotated Code of Maryland

(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 8–208(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2008 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 11, insert:

(Over)

“(A) IN THIS SECTION, “ELECTRONIC CONTROL DEVICE” MEANS A PORTABLE DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING, IMMOBILIZING, OR INFLICTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF ELECTRICAL CURRENT.”;

strike in their entirety lines 13 through 22, inclusive; strike beginning with “**OR**” in line 27 down through “**§ 5-614**” in line 28 and substitute “**AS DEFINED BY § 14-101**”; and in line 30, after “**MANUFACTURER**” insert “**; AND**

(4) HAS COMPLETED AN ELECTRONIC CONTROL DEVICE SAFETY TRAINING COURSE THAT MEETS THE STANDARDS ESTABLISHED BY THE POLICE TRAINING COMMISSION UNDER § 3-207 OF THE PUBLIC SAFETY ARTICLE”.

AMENDMENT NO. 3

On page 3, in line 4, after “**SOLD**” insert “**, POSSESSED, OR USED**”; after line 5, insert:

“(1) THE ELECTRONIC CONTROL DEVICE AND ANY CARTRIDGE ATTACHED TO THE ELECTRONIC CONTROL DEVICE EACH DISPLAY A SERIAL NUMBER; AND

(2) THE ELECTRONIC CONTROL DEVICE HAS A TRACKING SYSTEM THAT ALLOWS LAW ENFORCEMENT TO FIND THE ORIGINAL OWNER OF THE ELECTRONIC CONTROL DEVICE.”;

strike in their entirety lines 6 through 15, inclusive; in line 25, after the second “**A**” insert “**FELONY**”; in the same line, strike “**CRIME OF VIOLENCE**”; and after line 31, insert:

“Article – Public Safety

3-207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

(3) to inspect police training schools;

(4) to revoke, for cause, the approval or certificate of approval issued to a police training school;

(5) to establish the following for police training schools:

(i) curriculum;

(ii) minimum courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(Over)

(vii) minimum qualifications for instructors;

(6) to require, for entrance-level police training and at least every 3 years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the criminal laws concerning rape and sexual offenses, including:

(i) the sexual abuse of children;

(ii) related evidentiary procedures; and

(iii) the contact with and treatment of victims of these crimes;

(7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

(8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

(9) to conduct and operate police training schools authorized by the Commission to offer police training programs;

(10) to make a continuous study of entrance-level and in-service training methods and procedures;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

(13) to consult and cooperate with other agencies and units of the State concerned with police training;

(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008; [and]

(15) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND ANNUALLY FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY, SPECIAL TRAINING IN THE PROPER USE OF ELECTRONIC CONTROL DEVICES, AS DEFINED IN § 4-109 OF THE CRIMINAL LAW ARTICLE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS;

(16) TO ESTABLISH STANDARDS FOR AN ELECTRONIC CONTROL DEVICE SAFETY TRAINING COURSE THAT MUST BE COMPLETED UNDER § 4-109 OF THE CRIMINAL LAW ARTICLE; AND

[(15)] (17) to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

Article – Correctional Services

(Over)

8-208.

(a) Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to prescribe standards for the approval and continuation of approval of schools that conduct correctional, parole, or probation entrance level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to correctional training schools;

(3) to inspect correctional training schools;

(4) to revoke, for cause, any approval or certificate of approval issued to a correctional training school;

(5) to prescribe the following for correctional training schools:

(i) curriculum, INCLUDING ENTRANCE-LEVEL AND ANNUAL TRAINING IN THE PROPER USE OF ELECTRONIC CONTROL DEVICES, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY, AS DEFINED IN § 4-109 OF THE CRIMINAL LAW ARTICLE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS;

(ii) courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

- (v) equipment and facilities;
 - (vi) standards of operation; and
 - (vii) minimum qualifications for instructors;
- (6) to certify and issue appropriate certificates to qualified instructors for approved correctional training schools;
- (7) to certify and issue appropriate certificates to correctional officers who have satisfactorily completed training programs;
- (8) to conduct and operate approved correctional training schools;
- (9) to adopt regulations necessary to carry out this subtitle, including regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a correctional officer;
- (10) to make a continuous study of correctional training methods and procedures for all correctional training schools;
- (11) to consult with and accept the cooperation of any recognized federal, State, or municipal correctional agency or educational institution;
- (12) to consult and cooperate with universities, colleges, and institutions to develop all general and specialized courses of study for correctional officers;
- (13) to consult and cooperate with other units of the State concerned with correctional training;

(14) subject to subsection (b) of this section, to develop and implement specific program design and appropriate course curriculum and training for Department of Juvenile Services employees; and

(15) to perform any other act that is necessary or appropriate to carry out this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the Governor's Office of Crime Control and Prevention shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2-1246 of the State Government Article, on the compliance by electronic control device manufacturers with the relevant requirements and provisions of this Act."

AMENDMENT NO. 4

On page 7, in lines 17 and 21, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.