

HOUSE BILL 1267

E4

9lr2326
CF SB 447

By: **Delegates Valderrama, Ali, Anderson, Barnes, Benson, Cane, Carr, Carter, Feldman, Guzzone, Howard, Ivey, Kramer, Lee, Manno, McConkey, Pena-Melnyk, Simmons, Smigiel, V. Turner, and Waldstreicher**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – SWAT Team Activation and Deployment – Reports**

3 FOR the purpose of requiring, at certain intervals beginning on a certain date, a law
4 enforcement agency that maintains a SWAT team to report certain information
5 to the ~~Office of the Attorney General~~ Governor's Office of Crime Control and
6 Prevention using a certain format; requiring the Police Training Commission, in
7 consultation with the ~~Office~~ Governor's Office of Crime Control and Prevention,
8 to develop a standardized format that certain law enforcement agencies shall
9 use in reporting certain data relating to the activation and deployment of
10 certain SWAT teams to the ~~Office~~ Governor's Office of Crime Control and
11 Prevention and to certain local officials; requiring a law enforcement agency to
12 compile certain information as a report in a certain format and to submit the
13 report to the ~~Office~~ Governor's Office of Crime Control and Prevention no later
14 than a certain date following the period that is the subject of the report;
15 requiring the ~~Office~~ Governor's Office of Crime Control and Prevention to
16 analyze and summarize certain reports of law enforcement agencies and to
17 submit a report of the analyses and summaries to the Governor, the General
18 Assembly, and each law enforcement agency before a certain date of each year;
19 providing that, if a law enforcement agency fails to comply with the reporting
20 provisions of this Act, the ~~Office~~ Governor's Office of Crime Control and
21 Prevention shall report the noncompliance to the Police Training Commission;
22 providing that the Commission shall contact a certain law enforcement agency
23 and request that the agency comply with this Act under certain circumstances;
24 providing that, if a certain law enforcement agency fails to comply with certain

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 reporting provisions within a certain period after being contacted by the
 2 Commission, the ~~Office of the Attorney General~~ Governor's Office of Crime
 3 Control and Prevention and the Commission jointly shall make a certain report
 4 to the Governor and the Legislative Policy Committee of the General Assembly;
 5 providing for the termination of this Act; defining certain terms; and generally
 6 relating to the activation and deployment of SWAT teams.

7 BY adding to

8 Article – Public Safety

9 Section 3–507

10 Annotated Code of Maryland

11 (2003 Volume and 2008 Supplement)

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

14 **Article – Public Safety**

15 **3–507.**

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 17 MEANINGS INDICATED.

18 (2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS
 19 LISTED IN § 3–101(E) OF THIS TITLE.

20 (3) “LAW ENFORCEMENT OFFICER” MEANS ANY PERSON WHO, IN
 21 AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS
 22 AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS
 23 SECTION.

24 (4) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN
 25 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
 26 ESTABLISHED UNDER § 3–202 OF THIS TITLE.

27 (5) “SWAT TEAM” MEANS A SPECIAL UNIT COMPOSED OF TWO OR
 28 MORE LAW ENFORCEMENT OFFICERS WITHIN A LAW ENFORCEMENT AGENCY
 29 TRAINED TO DEAL WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND
 30 HAVING SPECIAL EQUIPMENT AND WEAPONS, SUCH AS RIFLES MORE POWERFUL
 31 THAN THOSE CARRIED BY REGULAR POLICE OFFICERS.

32 (B) ~~ON A MONTHLY BASIS~~ **EVERY 6 MONTHS**, BEGINNING JANUARY 1,
 33 **2010**, A LAW ENFORCEMENT AGENCY THAT MAINTAINS A SWAT TEAM SHALL
 34 REPORT THE FOLLOWING INFORMATION TO THE ~~OFFICE OF THE ATTORNEY~~
 35 ~~GENERAL~~ **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION** USING
 36 THE FORMAT DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

1 (1) THE NUMBER OF TIMES THE SWAT TEAM WAS ACTIVATED
2 AND DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS MONTH
3 6 MONTHS;

4 (2) ~~WITHOUT IDENTIFYING AN EXACT ADDRESS, THE~~
5 ~~APPROXIMATE LOCATION WITHIN OR OUTSIDE OF THE JURISDICTION OF THE~~
6 ~~LAW ENFORCEMENT AGENCY TO WHICH THE SWAT TEAM WAS DEPLOYED FOR~~
7 ~~EACH ACTIVATION~~ THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL
8 CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM
9 WAS DEPLOYED FOR EACH ACTIVATION;

10 (3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF
11 THE SWAT TEAM;

12 (4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF
13 ANY, FOR EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM; AND

14 (5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE
15 SWAT TEAM, INCLUDING:

16 (I) THE NUMBER OF ARRESTS MADE, IF ANY;

17 (II) ~~THE TYPE OF EVIDENCE SEIZED, IF ANY~~ WHETHER
18 PROPERTY WAS SEIZED;

19 (III) WHETHER A FORCIBLE ENTRY WAS MADE;

20 (IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT
21 TEAM MEMBER; AND

22 (V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS
23 INJURED OR KILLED BY A SWAT TEAM MEMBER.

24 (C) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE
25 ~~OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S OFFICE OF CRIME
26 CONTROL AND PREVENTION, SHALL DEVELOP A STANDARDIZED FORMAT THAT
27 EACH LAW ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE
28 ~~OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S OFFICE OF CRIME
29 CONTROL AND PREVENTION UNDER SUBSECTION (B) OF THIS SECTION.

30 (D) A LAW ENFORCEMENT AGENCY SHALL:

1 (1) COMPILER THE DATA DESCRIBED IN SUBSECTION (B) OF THIS
2 SECTION FOR EACH ~~MONTH~~ 6-MONTH PERIOD AS A REPORT IN THE FORMAT
3 REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND

4 (2) NO LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING
5 THE ~~MONTH~~ 6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT
6 THE REPORT TO:

7 (I) ~~THE OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
8 OFFICE OF CRIME CONTROL AND PREVENTION; AND

9 (II) 1. THE LOCAL GOVERNING BODY OF THE
10 JURISDICTION SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS
11 THE SWAT TEAM THAT IS THE SUBJECT OF THE REPORT; OR

12 2. IF THE JURISDICTION SERVED BY THE LAW
13 ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE
14 SUBJECT OF THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF
15 EXECUTIVE OFFICER OF THE JURISDICTION.

16 (E) (1) ~~THE OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
17 OFFICE OF CRIME CONTROL AND PREVENTION SHALL ANALYZE AND
18 SUMMARIZE THE ~~MONTHLY~~ REPORTS OF LAW ENFORCEMENT AGENCIES
19 SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION.

20 (2) ~~THE OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
21 OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT A REPORT OF
22 THE ANALYSES AND SUMMARIES OF THE REPORTS OF LAW ENFORCEMENT
23 AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE
24 GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN § 2-1246 OF THE STATE
25 GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY BEFORE
26 SEPTEMBER 1 OF EACH YEAR.

27 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
28 REPORTING PROVISIONS OF THIS SECTION, THE ~~OFFICE OF THE ATTORNEY~~
29 ~~GENERAL~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL
30 REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION.

31 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE POLICE
32 TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND
33 REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING
34 PROVISIONS.

35 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH
36 THE REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS

1 AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION WITH A
 2 REQUEST TO COMPLY, THE ~~OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
 3 OFFICE OF CRIME CONTROL AND PREVENTION AND THE POLICE TRAINING
 4 COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE
 5 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
 6 ASSEMBLY.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 ~~October~~ July 1, 2009. It shall remain effective for a period of 5 years and, at the end of
 9 June 30, 2014, with no further action required by the General Assembly, this Act shall
 10 be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.