

SENATE BILL 447

E4

9lr1314
CF HB 1267

By: **Senators Muse, Frosh, Haines, Mooney, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Gladden, Jacobs, and Simonaire**

Introduced and read first time: February 4, 2009

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 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
25 reporting provisions within a certain period after being contacted by the

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 Commission, the ~~Office of the Attorney General~~ Governor's Office of Crime
 2 Control and Prevention and the Commission jointly shall make a certain report
 3 to the Governor and the Legislative Policy Committee of the General Assembly;
 4 defining certain terms; and generally relating to the activation and deployment
 5 of SWAT teams.

6 BY adding to
 7 Article – Public Safety
 8 Section 3–507
 9 Annotated Code of Maryland
 10 (2003 Volume and 2008 Supplement)

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

13 **Article – Public Safety**

14 **3–507.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH
33 THE REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS
34 AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION WITH A
35 REQUEST TO COMPLY, THE ~~OFFICE OF THE ATTORNEY GENERAL~~ GOVERNOR'S
36 OFFICE OF CRIME CONTROL AND PREVENTION AND THE POLICE TRAINING

1 COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE
2 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
3 ASSEMBLY.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 ~~October~~ July 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.