

SENATE BILL 850

E4

9lr2460
CF HB 539

By: **Senator Muse**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2009

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Electronic Control Devices – Requirements**

3 FOR the purpose of prohibiting a person from possessing or using a certain electronic
4 control device unless the person meets certain requirements; prohibiting a
5 certain electronic control device from being sold, possessed, or used in the State
6 unless the electronic control device meets certain requirements; requiring a
7 certain manufacturer to provide a certain law enforcement agency with prompt
8 access to certain records; establishing penalties for a violation of this Act;
9 providing for the construction of this Act; requiring the Police Training
10 Commission to require that certain curriculum and minimum courses of study
11 include certain training for certain officers; requiring the Correctional Training
12 Commission to require that certain curriculum include certain training for
13 certain officers and to establish certain standards; requiring the Governor's
14 Office of Crime Control and Prevention to submit a certain report to certain
15 committees on or before a certain date; defining a certain term; providing for the
16 application of this Act; and generally relating to electronic control devices.

17 BY adding to
18 Article – Criminal Law
19 Section 4–109
20 Annotated Code of Maryland
21 (2002 Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Public Safety
24 Section 3–207

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 Annotated Code of Maryland
2 (2003 Volume and 2008 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Correctional Services
5 Section 8–208(a)
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2008 Supplement)

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

10 **Article – Criminal Law**

11 **4–109.**

12 (A) ~~(1)~~ IN THIS SECTION, “ELECTRONIC CONTROL DEVICE” MEANS A
13 PORTABLE DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING,
14 IMMOBILIZING, OR INFLICTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF
15 ELECTRICAL CURRENT.

16 ~~(2) “ELECTRONIC CONTROL DEVICE” INCLUDES A STUN GUN AND~~
17 ~~A TASER.~~

18 (B) A PERSON MAY NOT POSSESS OR USE AN ELECTRONIC CONTROL
19 DEVICE UNLESS THE PERSON:

20 (1) HAS ATTAINED THE AGE OF 18 YEARS;

21 (2) HAS NEVER BEEN CONVICTED OF A ~~FELONY~~ CRIME OF
22 VIOLENCE AS DEFINED IN § 14–101 OF THIS ARTICLE;

23 (3) HAS REGISTERED THE ELECTRONIC CONTROL DEVICE WITH
24 THE MANUFACTURER; AND

25 (4) ~~HAS RECEIVED ADEQUATE TRAINING IN THE USE OF THE~~
26 ~~ELECTRONIC CONTROL DEVICE FROM THE MANUFACTURER OR AN AGENT OF~~
27 ~~THE MANUFACTURER~~ COMPLETED AN ELECTRONIC CONTROL DEVICE SAFETY
28 TRAINING COURSE THAT MEETS THE STANDARDS ESTABLISHED BY THE POLICE
29 TRAINING COMMISSION UNDER § 3–207 OF THE PUBLIC SAFETY ARTICLE.

30 (C) AN ELECTRONIC CONTROL DEVICE MAY NOT BE SOLD, POSSESSED,
31 OR USED IN THE STATE UNLESS:

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

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

4 (i) curriculum;

5 (ii) minimum courses of study;

6 (iii) attendance requirements;

7 (iv) eligibility requirements;

8 (v) equipment and facilities;

9 (vi) standards of operation; and

10 (vii) minimum qualifications for instructors;

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

16 (i) the sexual abuse of children;

17 (ii) related evidentiary procedures; and

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

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

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

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

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

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

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

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

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

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

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

22 [(15)] ~~(16)~~ (17) to perform any other act that is necessary or appropriate
 23 to carry out the powers and duties of the Commission under this subtitle.

24 **Article - Correctional Services**

25 8-208.

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

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

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

34 (3) to inspect correctional training schools;

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

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

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

10 (ii) courses of study;

11 (iii) attendance requirements;

12 (iv) eligibility requirements;

13 (v) equipment and facilities;

14 (vi) standards of operation; and

15 (vii) minimum qualifications for instructors;

16 (6) to certify and issue appropriate certificates to qualified instructors
17 for approved correctional training schools;

18 (7) to certify and issue appropriate certificates to correctional officers
19 who have satisfactorily completed training programs;

20 (8) to conduct and operate approved correctional training schools;

21 (9) to adopt regulations necessary to carry out this subtitle, including
22 regulations that establish and enforce standards for prior substance abuse by
23 individuals applying for certification as a correctional officer;

24 (10) to make a continuous study of correctional training methods and
25 procedures for all correctional training schools;

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

28 (12) to consult and cooperate with universities, colleges, and
29 institutions to develop all general and specialized courses of study for correctional
30 officers;

1 (13) to consult and cooperate with other units of the State concerned
2 with correctional training;

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
9 31, 2011, the Governor’s Office of Crime Control and Prevention shall report to the
10 Senate Judicial Proceedings Committee and the House Judiciary Committee, in
11 accordance with § 2–1246 of the State Government Article, on the compliance by
12 electronic control device manufacturers with the relevant requirements and provisions
13 of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed to apply only prospectively and may not be applied or interpreted to have
16 any effect on or application to any electronic control device sold or purchased before
17 the effective date of this Act.

18 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.