

# SENATE BILL 5

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(PRE-FILED)

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By: **Senator Muse**

Requested: July 13, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Police Training Commission – SWAT Team Activation and**  
3 **Deployment**

4 FOR the purpose of requiring the Governor’s Office of Crime Control and Prevention to  
5 submit a report of certain analyses and summaries relating to the activation  
6 and deployment of certain SWAT teams to the Police Training Commission;  
7 requiring the Police Training Commission to annually review the report and  
8 adopt and annually review certain regulations; and generally relating to the  
9 Police Training Commission and SWAT team activation and deployment.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Safety  
12 Section 3–507  
13 Annotated Code of Maryland  
14 (2003 Volume and 2009 Supplement)

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

17 **Article – Public Safety**

18 3–507.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) “Law enforcement agency” means an agency that is listed in §  
21 3–101(e) of this title.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3) “Law enforcement officer” means any person who, in an official  
2 capacity, is authorized by law to make arrests and who is an employee of a law  
3 enforcement agency that is subject to this section.

4           (4) “Police Training Commission” means the unit within the  
5 Department of Public Safety and Correctional Services established under § 3-202 of  
6 this title.

7           (5) “SWAT team” means a special unit composed of two or more law  
8 enforcement officers within a law enforcement agency trained to deal with unusually  
9 dangerous or violent situations and having special equipment and weapons, such as  
10 rifles more powerful than those carried by regular police officers.

11           (b) Every 6 months, beginning January 1, 2010, a law enforcement agency  
12 that maintains a SWAT team shall report the following information to the Governor’s  
13 Office of Crime Control and Prevention using the format developed under subsection  
14 (c) of this section:

15                   (1) the number of times the SWAT team was activated and deployed  
16 by the law enforcement agency in the previous 6 months;

17                   (2) the name of the county or county and municipal corporation and  
18 the zip code of the location where the SWAT team was deployed for each activation;

19                   (3) the reason for each activation and deployment of the SWAT team;

20                   (4) the legal authority, including type of warrant, if any, for each  
21 activation and deployment of the SWAT team; and

22                   (5) the result of each activation and deployment of the SWAT team,  
23 including:

24                           (i) the number of arrests made, if any;

25                           (ii) whether property was seized;

26                           (iii) whether a forcible entry was made;

27                           (iv) whether a weapon was discharged by a SWAT team  
28 member; and

29                           (v) whether a person or domestic animal was injured or killed  
30 by a SWAT team member.

31           (c) The Police Training Commission, in consultation with the Governor’s  
32 Office of Crime Control and Prevention, shall develop a standardized format that each  
33 law enforcement agency shall use in reporting data to the Governor’s Office of Crime  
34 Control and Prevention under subsection (b) of this section.

1 (d) A law enforcement agency shall:

2 (1) compile the data described in subsection (b) of this section for each  
3 6-month period as a report in the format required under subsection (c) of this section;  
4 and

5 (2) no later than the 15th day of the month following the 6-month  
6 period that is the subject of the report, submit the report to:

7 (i) the Governor's Office of Crime Control and Prevention; and

8 (ii) 1. the local governing body of the jurisdiction served by  
9 the law enforcement agency that employs the SWAT team that is the subject of the  
10 report; or

11 2. if the jurisdiction served by the law enforcement  
12 agency that employs the SWAT team that is the subject of the report is a municipal  
13 corporation, the chief executive officer of the jurisdiction.

14 (e) (1) The Governor's Office of Crime Control and Prevention shall  
15 analyze and summarize the reports of law enforcement agencies submitted under  
16 subsection (d) of this section.

17 (2) The Governor's Office of Crime Control and Prevention shall  
18 submit a report of the analyses and summaries of the reports of law enforcement  
19 agencies described in paragraph (1) of this subsection to the Governor, the General  
20 Assembly as provided in § 2-1246 of the State Government Article, **THE POLICE**  
21 **TRAINING COMMISSION**, and each law enforcement agency before September 1 of  
22 each year.

23 **(F) THE POLICE TRAINING COMMISSION SHALL:**

24 **(1) ANNUALLY REVIEW THE REPORT DESCRIBED IN SUBSECTION**  
25 **(E) OF THIS SECTION; AND**

26 **(2) BASED ON THE REVIEW OF THE REPORT, ADOPT AND**  
27 **ANNUALLY REVIEW REGULATIONS ESTABLISHING:**

28 **(I) QUALIFICATIONS FOR A LAW ENFORCEMENT OFFICER**  
29 **ASSIGNED TO A SWAT TEAM BY A LAW ENFORCEMENT AGENCY;**

30 **(II) STANDARDS FOR THE PERFORMANCE OF THE DUTIES OF**  
31 **A LAW ENFORCEMENT OFFICER ASSIGNED TO A SWAT TEAM BY A LAW**  
32 **ENFORCEMENT AGENCY; AND**

1                   **(III) PREREQUISITES OF CHARACTER, TRAINING, AND**  
2 **EXPERIENCE FOR A LAW ENFORCEMENT OFFICER ASSIGNED TO A SWAT TEAM**  
3 **BY A LAW ENFORCEMENT AGENCY.**

4           **[(f)] (G)**   (1)   If a law enforcement agency fails to comply with the  
5 reporting provisions of this section, the Governor's Office of Crime Control and  
6 Prevention shall report the noncompliance to the Police Training Commission.

7                   (2)   On receipt of a report of noncompliance, the Police Training  
8 Commission shall contact the law enforcement agency and request that the agency  
9 comply with the required reporting provisions.

10                   (3)   If the law enforcement agency fails to comply with the required  
11 reporting provisions of this section within 30 days after being contacted by the Police  
12 Training Commission with a request to comply, the Governor's Office of Crime Control  
13 and Prevention and the Police Training Commission jointly shall report the  
14 noncompliance to the Governor and the Legislative Policy Committee of the General  
15 Assembly.

16                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2010.