

# HOUSE BILL 50

E4  
HB 507/11 – JUD

(PRE-FILED)

7lr0592

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By: **Delegate Conaway**

Requested: September 7, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Use of Electronic Control Devices – Reports**

3 FOR the purpose of requiring a law enforcement agency that issues electronic control  
4 devices to its law enforcement officers to report certain information relating to the  
5 use of electronic control devices annually on or before a certain date to the Governor's  
6 Office of Crime Control and Prevention using a certain format; requiring the  
7 Maryland Police Training and Standards Commission, in consultation with the  
8 Governor's Office of Crime Control and Prevention, the Maryland Chiefs of Police  
9 Association, and the Maryland Sheriffs' Association, to develop a standardized  
10 format that certain law enforcement agencies shall use in reporting certain data to  
11 the Governor's Office of Crime Control and Prevention; requiring a law enforcement  
12 agency to compile certain information as a report in a certain format and to submit  
13 the report to the Governor's Office of Crime Control and Prevention on or before a  
14 certain date; requiring the Governor's Office of Crime Control and Prevention to  
15 analyze and summarize certain reports of law enforcement agencies and to submit a  
16 report of the analyses and summaries to the Governor, the General Assembly, and  
17 each law enforcement agency on or before a certain date each year; providing that, if  
18 a law enforcement agency fails to comply with the reporting requirements of this Act,  
19 the Governor's Office of Crime Control and Prevention shall report the  
20 noncompliance to the Commission; providing that the Commission shall contact a  
21 certain law enforcement agency and request that the agency comply with this Act  
22 under certain circumstances; providing that, if a certain law enforcement agency  
23 fails to comply with certain reporting provisions within a certain period after being  
24 contacted by the Commission, the Governor's Office of Crime Control and Prevention  
25 and the Commission jointly shall make a certain report to the Governor and the  
26 Legislative Policy Committee of the General Assembly; defining certain terms;  
27 providing for the termination of this Act; and generally relating to the use of  
28 electronic control devices by law enforcement officers.

29 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Public Safety  
2 Section 3–508  
3 Annotated Code of Maryland  
4 (2011 Replacement Volume and 2016 Supplement)

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

7 **Article – Public Safety**

8 **3–508.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (2) “COMMISSION” MEANS THE MARYLAND POLICE TRAINING AND  
12 STANDARDS COMMISSION ESTABLISHED UNDER § 3–202 OF THIS TITLE.

13 (3) (I) “DISCHARGE” MEANS FIRING AN ECD AT A PERSON.

14 (II) “DISCHARGE” DOES NOT INCLUDE FIRING AN ECD DURING  
15 A TRAINING EXERCISE.

16 (4) “ELECTRONIC CONTROL DEVICE” OR “ECD” MEANS A PORTABLE  
17 DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING, IMMOBILIZING, OR  
18 INFLECTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF ELECTRICAL CURRENT.

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

21 (B) ON OR BEFORE MARCH 31 EACH YEAR, A LAW ENFORCEMENT AGENCY  
22 THAT ISSUES ELECTRONIC CONTROL DEVICES TO ITS LAW ENFORCEMENT OFFICERS  
23 SHALL REPORT, FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES AN  
24 ECD, THE FOLLOWING INFORMATION TO THE GOVERNOR’S OFFICE OF CRIME  
25 CONTROL AND PREVENTION USING THE FORMAT DEVELOPED UNDER SUBSECTION  
26 (C) OF THIS SECTION:

27 (1) THE DATE, TIME, AND LOCATION OF THE DISCHARGE;

28 (2) THE TYPE OF MODE USED AND THE POINT OF IMPACT;

29 (3) THE NUMBER OF ECD CYCLES, THE DURATION OF EACH CYCLE,  
30 AND THE DURATION BETWEEN CYCLES;

1           (4) THE RACE, GENDER, AND AGE OF THE PERSON AGAINST WHOM  
2 THE ECD WAS DISCHARGED;

3           (5) THE LAW ENFORCEMENT OFFICER'S REASON FOR DISCHARGING  
4 THE ECD;

5           (6) THE TYPE OF WEAPON, IF ANY, POSSESSED BY THE PERSON  
6 AGAINST WHOM THE ECD WAS DISCHARGED;

7           (7) THE TYPE OF INCIDENT IN WHICH THE PERSON AGAINST WHOM  
8 THE ECD WAS DISCHARGED WAS INVOLVED;

9           (8) ANY INJURIES OR DEATHS RESULTING FROM THE DISCHARGE  
10 OTHER THAN PUNCTURES OR LACERATIONS CAUSED BY THE ECD PROBES; AND

11           (9) THE TYPE OF MEDICAL CARE, IF ANY, PROVIDED TO THE PERSON  
12 AGAINST WHOM THE ECD WAS DISCHARGED, OTHER THAN THE TREATMENT OF  
13 PUNCTURES OR LACERATIONS CAUSED BY THE ECD PROBES.

14           (c) THE COMMISSION, IN CONSULTATION WITH THE GOVERNOR'S OFFICE  
15 OF CRIME CONTROL AND PREVENTION, THE MARYLAND CHIEFS OF POLICE  
16 ASSOCIATION, AND THE MARYLAND SHERIFFS' ASSOCIATION, SHALL DEVELOP A  
17 STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE IN  
18 REPORTING DATA TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
19 PREVENTION UNDER SUBSECTION (B) OF THIS SECTION.

20           (d) A LAW ENFORCEMENT AGENCY SHALL:

21           (1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS  
22 SECTION FOR EACH YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER  
23 SUBSECTION (C) OF THIS SECTION;

24           (2) NOT LATER THAN MARCH 31 EACH YEAR, SUBMIT THE REPORT TO:

25           (i) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
26 PREVENTION; AND

27           (ii) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION  
28 SERVED BY THE LAW ENFORCEMENT AGENCY THAT IS THE SUBJECT OF THE REPORT;  
29 OR

30           2. IF THE JURISDICTION SERVED BY THE LAW  
31 ENFORCEMENT AGENCY THAT IS THE SUBJECT OF THE REPORT IS A MUNICIPAL  
32 CORPORATION, THE CHIEF EXECUTIVE OFFICER OF THE JURISDICTION; AND

1           **(3) MAKE THE REPORT AVAILABLE TO THE PUBLIC ON REQUEST.**

2           **(E) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
3 **PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW**  
4 **ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION.**

5           **(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
6 **PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF THE**  
7 **REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS**  
8 **SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY, AS PROVIDED IN §**  
9 **2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT**  
10 **AGENCY BEFORE SEPTEMBER 1 EACH YEAR.**

11           **(F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
12 **REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME**  
13 **CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO THE**  
14 **COMMISSION.**

15           **(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE**  
16 **COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST**  
17 **THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.**

18           **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
19 **REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING**  
20 **CONTACTED BY THE COMMISSION WITH A REQUEST TO COMPLY, THE GOVERNOR'S**  
21 **OFFICE OF CRIME CONTROL AND PREVENTION AND THE COMMISSION JOINTLY**  
22 **SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE**  
23 **POLICY COMMITTEE OF THE GENERAL ASSEMBLY.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2017. It shall remain effective for a period of 2 years and, at the end of September  
26 30, 2019, with no further action required by the General Assembly, this Act shall be  
27 abrogated and of no further force and effect.