

SENATE BILL 705

E4

8lr2978
CF 8lr1091

By: **Senator Klausmeier**

Introduced and read first time: February 2, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 to
5 the Governor's Office of Crime Control and Prevention using a certain format;
6 requiring the Maryland Police Training and Standards Commission, in consultation
7 with the Governor's Office of Crime Control and Prevention, to develop a
8 standardized format that certain law enforcement agencies shall use in reporting
9 certain data relating to the activation and deployment of certain SWAT teams to the
10 Governor's Office of Crime Control and Prevention and to certain local officials;
11 requiring a law enforcement agency to compile certain information as a report in a
12 certain format and to submit the report to the Governor's Office of Crime Control
13 and Prevention no later than a certain date following the period that is the subject
14 of the report; 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 before a certain date each year; providing that, if a law
18 enforcement agency fails to comply with the reporting provisions of this Act, the
19 Governor's Office of Crime Control and Prevention shall report the noncompliance to
20 the Commission; providing that the Commission shall contact a certain law
21 enforcement agency and request that the agency comply with this Act under certain
22 circumstances; providing that, if a certain law enforcement agency fails to comply
23 with certain reporting provisions within a certain period after being contacted by the
24 Commission, the Governor's Office of Crime Control and Prevention and the
25 Commission jointly shall make a certain report to the Governor and the Legislative
26 Policy Committee of the General Assembly and publish the report on its website;
27 defining certain terms; and generally relating to the activation and deployment of
28 SWAT teams.

29 BY adding to

30 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3-520
2 Annotated Code of Maryland
3 (2011 Replacement Volume and 2017 Supplement)

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

6 **Article – Public Safety**

7 **3-520.**

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

10 (2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS
11 LISTED IN § 3-101(E) OF THIS TITLE.

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

15 (4) “MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”
16 MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND
17 CORRECTIONAL SERVICES ESTABLISHED UNDER § 3-202 OF THIS TITLE.

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

23 (B) EVERY 6 MONTHS, BEGINNING JANUARY 1, 2019, A LAW ENFORCEMENT
24 AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE FOLLOWING
25 INFORMATION TO THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION
26 USING THE FORMAT DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

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

29 (2) THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL
30 CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS
31 DEPLOYED FOR EACH ACTIVATION;

32 (3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF THE
33 SWAT TEAM;

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

3 **(5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE**
4 **SWAT TEAM, INCLUDING:**

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

6 **(II) WHETHER PROPERTY WAS SEIZED;**

7 **(III) WHETHER A FORCIBLE ENTRY WAS MADE;**

8 **(IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM**
9 **MEMBER; AND**

10 **(V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED**
11 **OR KILLED BY A SWAT TEAM MEMBER.**

12 **(C) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, IN**
13 **CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
14 **PREVENTION, SHALL DEVELOP A STANDARDIZED FORMAT THAT EACH LAW**
15 **ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE GOVERNOR'S**
16 **OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION (B) OF THIS**
17 **SECTION.**

18 **(D) A LAW ENFORCEMENT AGENCY SHALL:**

19 **(1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS**
20 **SECTION FOR EACH 6-MONTH PERIOD AS A REPORT IN THE FORMAT REQUIRED**
21 **UNDER SUBSECTION (C) OF THIS SECTION; AND**

22 **(2) NO LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING THE**
23 **6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT THE REPORT TO:**

24 **(I) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
25 **PREVENTION; AND**

26 **(II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION**
27 **SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM**
28 **THAT IS THE SUBJECT OF THE REPORT; OR**

29 **2. IF THE JURISDICTION SERVED BY THE LAW**
30 **ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE SUBJECT OF**

1 THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE OFFICER OF
2 THE JURISDICTION.

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

6 (2) BEFORE SEPTEMBER 1 EACH YEAR, THE GOVERNOR'S OFFICE OF
7 CRIME CONTROL AND PREVENTION SHALL:

8 (I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF
9 THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF
10 THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN
11 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT
12 AGENCY; AND

13 (II) PUBLISH THE REPORT ON ITS WEBSITE.

14 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
15 REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME
16 CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO THE
17 MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

18 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE MARYLAND
19 POLICE TRAINING AND STANDARDS COMMISSION SHALL CONTACT THE LAW
20 ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE
21 REQUIRED REPORTING PROVISIONS.

22 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
23 REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING
24 CONTACTED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
25 WITH A REQUEST TO COMPLY, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
26 PREVENTION AND THE MARYLAND POLICE TRAINING AND STANDARDS
27 COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR
28 AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2018.