

SENATE BILL 5

E4

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(PRE-FILED)

By: **Senator Muse**

Requested: July 13, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2010

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – ~~Police Training Commission –~~ Task Force on SWAT Team**
3 **Activation and Deployment**

4 FOR the purpose of establishing a Task Force on SWAT Team Activation and
5 Deployment; providing for the membership, chair, and staff of the Task Force;
6 prohibiting a member of the Task Force from receiving certain compensation;
7 authorizing a member of the Task Force to receive reimbursement for certain
8 expenses; requiring the Governor's Office of Crime Control and Prevention to
9 submit a report of certain analyses and summaries relating to the activation
10 and deployment of certain SWAT teams to the ~~Police Training Commission~~
11 Task Force; requiring the ~~Police Training Commission~~ Task Force to annually
12 review the report and ~~adopt~~ make recommendations for and annually review
13 certain regulations; providing for the termination of this Act; and generally
14 relating to the ~~Police Training Commission and~~ Task Force on SWAT team
15 activation and deployment ~~Team Activation and Deployment.~~

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 3–507
19 Annotated Code of Maryland
20 (2003 Volume and 2009 Supplement)

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

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 **Article – Public Safety**

2 3–507.

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

4 (2) “Law enforcement agency” means an agency that is listed in §
5 3–101(e) of this title.6 (3) “Law enforcement officer” means any person who, in an official
7 capacity, is authorized by law to make arrests and who is an employee of a law
8 enforcement agency that is subject to this section.9 (4) “Police Training Commission” means the unit within the
10 Department of Public Safety and Correctional Services established under § 3–202 of
11 this title.12 (5) “SWAT team” means a special unit composed of two or more law
13 enforcement officers within a law enforcement agency trained to deal with unusually
14 dangerous or violent situations and having special equipment and weapons, such as
15 rifles more powerful than those carried by regular police officers.16 (b) Every 6 months, beginning January 1, 2010, a law enforcement agency
17 that maintains a SWAT team shall report the following information to the Governor’s
18 Office of Crime Control and Prevention using the format developed under subsection
19 (c) of this section:20 (1) the number of times the SWAT team was activated and deployed
21 by the law enforcement agency in the previous 6 months;22 (2) the name of the county or county and municipal corporation and
23 the zip code of the location where the SWAT team was deployed for each activation;

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

25 (4) the legal authority, including type of warrant, if any, for each
26 activation and deployment of the SWAT team; and27 (5) the result of each activation and deployment of the SWAT team,
28 including:

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

30 (ii) whether property was seized;

31 (iii) whether a forcible entry was made;

1 (iv) whether a weapon was discharged by a SWAT team
2 member; and

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

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

9 (d) A law enforcement agency shall:

10 (1) compile the data described in subsection (b) of this section for each
11 6-month period as a report in the format required under subsection (c) of this section;
12 and

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

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

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

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

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

25 (2) The Governor's Office of Crime Control and Prevention shall
26 submit a report of the analyses and summaries of the reports of law enforcement
27 agencies described in paragraph (1) of this subsection to the Governor, the General
28 Assembly as provided in § 2-1246 of the State Government Article, ~~THE POLICE~~
29 ~~TRAINING COMMISSION~~ TASK FORCE ON SWAT TEAM ACTIVATION AND
30 DEPLOYMENT, and each law enforcement agency before September 1 of each year.

31 **(F) (1) THERE IS A TASK FORCE ON SWAT TEAM ACTIVATION AND**
32 **DEPLOYMENT.**

33 **(2) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:**

1 (I) TWO MEMBERS OF THE SENATE OF MARYLAND,
 2 APPOINTED BY THE PRESIDENT OF THE SENATE;

3 (II) TWO MEMBERS OF THE HOUSE OF DELEGATES,
 4 APPOINTED BY THE SPEAKER OF THE HOUSE;

5 (III) TWO MEMBERS OF THE PUBLIC WITH RELEVANT
 6 EXPERTISE IN SWAT TEAM ACTIVATION AND DEPLOYMENT, APPOINTED BY THE
 7 GOVERNOR;

8 (IV) FOUR REGIONAL TACTICAL REPRESENTATIVES,
 9 SELECTED BY THE MARYLAND STATE LODGE FRATERNAL ORDER OF POLICE;

10 (V) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE
 11 GOVERNOR; AND

12 (VI) THE SECRETARY OF PUBLIC SAFETY AND
 13 CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE, WHO SHALL
 14 SERVE EX OFFICIO.

15 (3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
 16 SERVICES SHALL:

17 (I) CHAIR THE TASK FORCE; AND

18 (II) PROVIDE STAFF SUPPORT FOR THE TASK FORCE FROM
 19 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

20 (4) A MEMBER OF THE TASK FORCE:

21 (I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF
 22 THE TASK FORCE; BUT

23 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES
 24 UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE
 25 STATE BUDGET.

26 ~~(F)~~ (5) THE POLICE TRAINING COMMISSION TASK FORCE SHALL:

27 ~~(1)~~ (I) ANNUALLY REVIEW THE REPORT DESCRIBED IN
 28 SUBSECTION (E) OF THIS SECTION; AND

29 ~~(2)~~ (II) BASED ON THE REVIEW OF THE REPORT, ~~ADOPT~~ MAKE
 30 RECOMMENDATIONS FOR AND ANNUALLY REVIEW REGULATIONS
 31 ESTABLISHING:

1 ~~(H)~~ 1. QUALIFICATIONS FOR A LAW ENFORCEMENT
2 OFFICER ASSIGNED TO A SWAT TEAM BY A LAW ENFORCEMENT AGENCY;

3 ~~(H)~~ 2. STANDARDS FOR THE PERFORMANCE OF THE
4 DUTIES OF A LAW ENFORCEMENT OFFICER ASSIGNED TO A SWAT TEAM BY A
5 LAW ENFORCEMENT AGENCY; AND

6 ~~(H)~~ 3. PREREQUISITES OF CHARACTER, TRAINING, AND
7 EXPERIENCE FOR A LAW ENFORCEMENT OFFICER ASSIGNED TO A SWAT TEAM
8 BY A LAW ENFORCEMENT AGENCY.

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2010. It shall remain effective for a period of 4 years and, at the end of June 30,
23 2014, with no further action required by the General Assembly, this Act shall be
24 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.