

HOUSE BILL 739

E4
SB 589/16 – JPR

7lr3246
CF 7lr0317

By: **Delegates Moon, Anderson, Korman, Proctor, Queen, Sanchez, and Sydnor**
Introduced and read first time: February 2, 2017
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – SWAT Teams – Reporting and Limitations**

3 FOR the purpose of requiring the Maryland Police Training and Standards Commission to
4 adopt a certain set of standards for the training and deployment of SWAT teams in
5 the State; requiring each law enforcement agency to follow a certain set of standards;
6 requiring, at certain intervals, a law enforcement agency that maintains a SWAT
7 team to report certain information to the Governor's Office of Crime Control and
8 Prevention using a certain format; requiring the Commission, in consultation with
9 the Office, to develop a standardized format that certain law enforcement agencies
10 shall use in reporting to the Office certain data relating to the deployment of SWAT
11 teams; requiring the Office to analyze and summarize certain reports of law
12 enforcement agencies and to submit a certain report of the analyses and summaries
13 to the Governor, the General Assembly, and each law enforcement agency before a
14 certain date each year; providing that, if a law enforcement agency fails to comply
15 with the reporting provisions of this Act, the Office shall report the noncompliance
16 to the Commission; requiring the Commission to contact a certain law enforcement
17 agency and request that the agency comply with this Act under certain
18 circumstances; providing that, if a certain law enforcement agency fails to comply
19 with certain reporting provisions within a certain period after being contacted by the
20 Commission, the Office and the Commission jointly shall make a certain report to
21 the Governor and the Legislative Policy Committee of the General Assembly;
22 defining certain terms; and generally relating to the deployment of SWAT teams.

23 BY adding to
24 Article – Public Safety
25 Section 3–801 through 3–803 to be under the new subtitle “Subtitle 8. SWAT Teams”
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



Article – Public Safety

SUBTITLE 8. SWAT TEAMS.

3–801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMISSION” MEANS THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THIS TITLE.

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

(D) “LAW ENFORCEMENT OFFICER” MEANS A PERSON WHO, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS SUBTITLE.

(E) “SWAT TEAM” MEANS AN AGENCY–DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A COORDINATED TEAM TO RESOLVE CRITICAL INCIDENTS THAT ARE SO HAZARDOUS, COMPLEX, OR UNUSUAL THAT THEY MAY EXCEED THE CAPABILITIES OF FIRST RESPONDERS OR INVESTIGATIVE UNITS.

3–802.

(A) THE COMMISSION SHALL ADOPT A SET OF STANDARDS FOR THE TRAINING AND DEPLOYMENT OF SWAT TEAMS IN THE STATE BASED ON BEST PRACTICES IN THE STATE AND NATIONWIDE.

(B) EACH LAW ENFORCEMENT AGENCY SHALL FOLLOW THE STANDARDS ADOPTED UNDER THIS SECTION.

3–803.

(A) ON OR BEFORE APRIL 1, 2018, AND ON OR BEFORE APRIL 1 EACH YEAR THEREAFTER, A LAW ENFORCEMENT AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE FOLLOWING INFORMATION TO THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION USING THE FORMAT DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION:

1 **(1) THE NUMBER OF TIMES THE SWAT TEAM WAS DEPLOYED BY THE**
2 **LAW ENFORCEMENT AGENCY IN THE PREVIOUS CALENDAR YEAR;**

3 **(2) THE CITY OR TOWN, COUNTY, AND ZIP CODE OF THE LOCATION**
4 **WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH DEPLOYMENT;**

5 **(3) THE SPECIFIC REASONS FOR EACH DEPLOYMENT OF THE SWAT**
6 **TEAM, INCLUDING THE ALLEGED CRIME COMMITTED BY A SUSPECT;**

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

9 **(5) THE RESULT OF EACH DEPLOYMENT OF THE SWAT TEAM,**
10 **INCLUDING:**

11 **(I) THE AGE, GENDER, AND RACE OF ANY INDIVIDUAL**
12 **DETAINED AT THE DEPLOYMENT LOCATION, IF KNOWN;**

13 **(II) THE NUMBER OF ARRESTS MADE, IF ANY;**

14 **(III) WHETHER PROPERTY WAS SEIZED;**

15 **(IV) WHETHER A FORCIBLE ENTRY WAS MADE;**

16 **(V) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM**
17 **MEMBER;**

18 **(VI) WHETHER A WEAPON WAS FOUND, USED, OR DISCHARGED**
19 **BY A RESIDENT OR OCCUPANT OF THE DEPLOYMENT LOCATION;**

20 **(VII) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED**
21 **OR KILLED BY A SWAT TEAM MEMBER;**

22 **(VIII) WHETHER A DOMESTIC ANIMAL WAS PRESENT AT THE**
23 **DEPLOYMENT LOCATION; AND**

24 **(IX) WHETHER A LAW ENFORCEMENT OFFICER OR POLICE K-9**
25 **WAS TARGETED, ASSAULTED, INJURED, OR KILLED BY A RESIDENT OR OCCUPANT OF**
26 **THE DEPLOYMENT LOCATION.**

27 **(B) THE COMMISSION, IN CONSULTATION WITH THE GOVERNOR'S OFFICE**
28 **OF CRIME CONTROL AND PREVENTION, SHALL DEVELOP A STANDARDIZED FORMAT**
29 **THAT EACH LAW ENFORCEMENT AGENCY SHALL USE TO REPORT DATA TO THE**

1 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION
2 (A) OF THIS SECTION.

3 (C) (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 (A) OF THIS SECTION.

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2017.