

SENATE BILL 941

E4
HB 521/16 – JUD

7lr0317
CF HB 739

By: **Senators Smith, Kelley, Lee, Muse, and Ramirez**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

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

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 requiring the Commission to adopt a certain set of standards for recording data on
23 the deployment of SWAT teams; defining ~~certain terms~~ a certain term; and generally
24 relating to the deployment of SWAT teams.

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.



~~BY adding to~~

~~Article – Public Safety~~

~~Section 3–801 through 3–803 to be under the new subtitle “Subtitle 8. SWAT Teams”~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2016 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3–201(a) and 3–207(a)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Public Safety

Section 3–201(g) and 3–207(a)(24)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–207(a)(22) and (23)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

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.~~

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

6 ~~§ 802.~~

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

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

12 ~~§ 803.~~

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

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

20 ~~(2) THE CITY OR TOWN, COUNTY, AND ZIP CODE OF THE LOCATION~~
21 ~~WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH DEPLOYMENT;~~

22 ~~(3) THE SPECIFIC REASONS FOR EACH DEPLOYMENT OF THE SWAT~~
23 ~~TEAM, INCLUDING THE ALLEGED CRIME COMMITTED BY A SUSPECT;~~

24 ~~(4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY,~~
25 ~~FOR EACH DEPLOYMENT OF THE SWAT TEAM; AND~~

26 ~~(5) THE RESULT OF EACH DEPLOYMENT OF THE SWAT TEAM,~~
27 ~~INCLUDING:~~

28 ~~(I) THE AGE, GENDER, AND RACE OF ANY INDIVIDUAL~~
29 ~~DETAINED AT THE DEPLOYMENT LOCATION, IF KNOWN;~~

30 ~~(II) THE NUMBER OF ARRESTS MADE, IF ANY;~~

1 ~~(III) WHETHER PROPERTY WAS SEIZED;~~

2 ~~(IV) WHETHER A FORCIBLE ENTRY WAS MADE;~~

3 ~~(V) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM~~
4 ~~MEMBER;~~

5 ~~(VI) WHETHER A WEAPON WAS FOUND, USED, OR DISCHARGED~~
6 ~~BY A RESIDENT OR OCCUPANT OF THE DEPLOYMENT LOCATION;~~

7 ~~(VII) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED~~
8 ~~OR KILLED BY A SWAT TEAM MEMBER;~~

9 ~~(VIII) WHETHER A DOMESTIC ANIMAL WAS PRESENT AT THE~~
10 ~~DEPLOYMENT LOCATION; AND~~

11 ~~(IX) WHETHER A LAW ENFORCEMENT OFFICER OR POLICE K-9~~
12 ~~WAS TARGETED, ASSAULTED, INJURED, OR KILLED BY A RESIDENT OR OCCUPANT OF~~
13 ~~THE DEPLOYMENT LOCATION.~~

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

19 ~~(C) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND~~
20 ~~PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW~~
21 ~~ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.~~

22 ~~(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND~~
23 ~~PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF THE~~
24 ~~REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS~~
25 ~~SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §~~
26 ~~2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT~~
27 ~~AGENCY BEFORE SEPTEMBER 1 EACH YEAR.~~

28 ~~(D) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE~~
29 ~~REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME~~
30 ~~CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO THE~~
31 ~~COMMISSION.~~

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

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

3-201.

(a) In this subtitle the following words have the meanings indicated.

(G) "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.

3-207.

(a) The Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(22) to require:

(i) a statement condemning motorcycle profiling to be included in existing written policies regarding other profiling; and

(ii) for entrance-level police training and for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling; [and]

(23) to perform any other act, including adopting regulations, that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle; AND

1 **(24) TO DEVELOP STANDARDS FOR THE TRAINING AND DEPLOYMENT**
 2 **OF SWAT TEAMS IN THE STATE BASED ON BEST PRACTICES IN THE STATE AND**
 3 **NATIONWIDE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Police Training
 5 and Standards Commission, in consultation with commanders of SWAT teams, as defined
 6 in § 3-201(g) of the Public Safety Article, shall create standards for the recording of data
 7 on the deployment of SWAT teams, including:

8 (1) the annual number of SWAT team deployments by a law enforcement
 9 agency; and

10 (2) for each SWAT team deployment:

11 (i) the city, county, and zip code where the deployment occurred;

12 (ii) the legal authority for the deployment, including the type of any
 13 warrant issued;

14 (iii) the age, gender, and race of any individual detained at the
 15 deployment location;

16 (iv) the number of arrests made at the deployment location;

17 (v) any property seized from the deployment location;

18 (vi) whether forcible entry was made at the deployment location;

19 (vii) whether a weapon was discharged by a SWAT team member at
 20 the deployment location;

21 (viii) whether a weapon was used or discharged by a resident or
 22 occupant of the deployment location;

23 (ix) whether a domestic animal was present at the deployment
 24 location;

25 (x) whether a person or domestic animal was injured or killed by a
 26 SWAT team member during a deployment; and

27 (xi) whether a law enforcement officer or police K-9 was targeted,
 28 assaulted, injured, or killed by a resident or occupant of the deployment location.

29 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 2017.