

# HOUSE BILL 507

E4

(1lr1792)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by Delegates Branch, Anderson, Arora, Barnes, Dumais, Gilchrist, Gutierrez, Hubbard, A. Kelly, Kipke, Love, Nathan-Pulliam, Pena-Melnyk, and Simmons

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

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  
5 the use of electronic control devices annually on or before a certain date to the  
6 Governor's Office of Crime Control and Prevention using a certain format;  
7 requiring the Police Training Commission, in consultation with the Governor's  
8 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  
11 to the Governor's Office of Crime Control and Prevention; requiring a law  
12 enforcement agency to compile certain information as a report in a certain  
13 format and to submit the report to the Governor's Office of Crime Control and

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#### 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.

*Italics* indicate opposite chamber / conference committee amendments.



1 Prevention on or before a certain date; requiring the Governor's Office of Crime  
 2 Control and Prevention to analyze and summarize certain reports of law  
 3 enforcement agencies and to submit a report of the analyses and summaries to  
 4 the Governor, the General Assembly, and each law enforcement agency on or  
 5 before a certain date each year; providing that, if a law enforcement agency fails  
 6 to comply with the reporting requirements of this Act, the Governor's Office of  
 7 Crime Control and Prevention shall report the noncompliance to the Police  
 8 Training Commission; providing that the Commission shall contact a certain  
 9 law enforcement agency and request that the agency comply with this Act under  
 10 certain circumstances; providing that, if a certain law enforcement agency fails  
 11 to comply with certain reporting provisions within a certain period after being  
 12 contacted by the Police Training Commission, the Governor's Office of Crime  
 13 Control and Prevention and the Commission jointly shall make a certain report  
 14 to the Governor and the Legislative Policy Committee of the General Assembly;  
 15 defining certain terms; providing for the termination of this Act; and generally  
 16 relating to the use of electronic control devices by law enforcement officers.

17 BY adding to  
 18 Article – Public Safety  
 19 Section 3–508  
 20 Annotated Code of Maryland  
 21 (2003 Volume and 2010 Supplement)

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

24 **Article – Public Safety**

25 **3–508.**

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
 27 MEANINGS INDICATED.

28 ~~(2) “DEPLOY” MEANS POINTING AN ECD AT A PERSON, WHETHER~~  
 29 ~~OR NOT THE ECD LASER DOT IS AIMED AT THE PERSON.~~

30 ~~(3) (2) (I) “DISCHARGE” MEANS FIRING AN ECD AT A PERSON.~~

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

33 ~~(4) (3) “ELECTRONIC CONTROL DEVICE” OR “(ECD) ECD”~~  
 34 MEANS A PORTABLE DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING,  
 35 IMMOBILIZING, OR INFLICTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF  
 36 ELECTRICAL CURRENT.

1           ~~(5)~~ (4)       “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY  
2 THAT IS LISTED IN § 3-101(E) OF THIS TITLE.

3           ~~(6)~~ (5)       “POLICE TRAINING COMMISSION” MEANS THE UNIT  
4 WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
5 ESTABLISHED UNDER § 3-202 OF THIS TITLE.

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

12           ~~(1) FOR EACH TIME A LAW ENFORCEMENT OFFICER DEPLOYS AN~~  
13 ~~ECD:~~

14           ~~(I) THE DATE, TIME, AND LOCATION OF THE DEPLOYMENT;~~  
15 ~~AND~~

16           ~~(II) THE RACE, GENDER, AND AGE OF THE PERSON AGAINST~~  
17 ~~WHOM THE ECD WAS DEPLOYED; AND~~

18           ~~(2) FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES~~  
19 ~~AN ECD:~~

20           ~~(I)~~ (1)       THE DATE, TIME, AND LOCATION OF THE  
21 DISCHARGE;

22           ~~(II)~~ (2)       THE TYPE OF MODE USED AND THE POINT OF  
23 IMPACT;

24           ~~(III)~~ (3)       THE NUMBER OF ECD CYCLES, THE DURATION OF  
25 EACH CYCLE, AND THE DURATION BETWEEN CYCLES;

26           ~~(IV)~~ (4)       THE RACE, GENDER, AND AGE OF THE PERSON  
27 AGAINST WHOM THE ECD WAS DISCHARGED;

28           ~~(V)~~ (5)       THE LAW ENFORCEMENT OFFICER’S REASON FOR  
29 DISCHARGING THE ECD;

30           ~~(VI)~~ (6)       THE TYPE OF WEAPON, IF ANY, POSSESSED BY THE  
31 PERSON AGAINST WHOM THE ECD WAS DISCHARGED;

1                   ~~(VII)~~ (7) THE TYPE OF INCIDENT IN WHICH THE PERSON  
2 AGAINST WHOM THE ECD WAS DISCHARGED WAS INVOLVED;

3                   ~~(VIII)~~ (8) ~~ANY RISK FACTORS PRESENT AT THE TIME OF THE~~  
4 ~~DISCHARGE;~~

5                   ~~(IX)~~ (9) (8) ANY INJURIES OR DEATHS RESULTING FROM THE  
6 DISCHARGE OTHER THAN PUNCTURES OR LACERATIONS CAUSED BY THE ECD  
7 PROBES; AND

8                   ~~(X)~~ (10) (9) THE TYPE OF MEDICAL CARE, IF ANY, PROVIDED  
9 TO THE PERSON AGAINST WHOM THE ECD WAS DISCHARGED, OTHER THAN THE  
10 TREATMENT OF PUNCTURES OR LACERATIONS CAUSED BY THE ECD PROBES.

11           (c) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE  
12 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, THE MARYLAND  
13 CHIEFS OF POLICE ASSOCIATION, AND THE MARYLAND SHERIFFS'  
14 ASSOCIATION, 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  
17 THIS SECTION.

18           (d) A LAW ENFORCEMENT AGENCY SHALL:

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

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

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

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

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

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

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

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

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

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

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2011. It shall remain effective for a period of 5 years and, at the end of  
28 September 30, 2016, with no further action required by the General Assembly, this Act  
29 shall be abrogated and of no further force and effect.