

BY: Commerce and Government Matters Committee

AMENDMENTS TO SENATE BILL NO. 110

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Task Force to Study" and substitute "Law Enforcement Officers - Vehicle Laws -"; strike beginning with "establishing" in line 4 down through "Stops" in line 13 and substitute "requiring certain law enforcement officers to record certain information pertaining to traffic stops; requiring certain law enforcement agencies to report certain information to the Maryland Justice Analysis Center (MJAC); requiring the Police Training Commission to develop a certain form and guidelines and a standardized format for the reporting of certain data; requiring the Police Training Commission to develop a certain model policy; requiring the MJAC to analyze certain data based on a methodology developed in conjunction with the Police Training Commission; requiring the MJAC to make certain reports to the General Assembly, the Governor, and law enforcement agencies; requiring law enforcement agencies to adopt certain policies regarding race-based traffic stops for certain purposes; providing for the phasing in of certain requirements; requiring the MJAC to report to the Police Training Commission law enforcement agencies that fail to comply with certain reporting requirements; requiring specified actions following a report on the failure of a law enforcement agency to comply; providing certain exceptions applicable to law enforcement agencies that have entered into certain agreements; defining certain terms; providing that this Act shall be substituted for a reference to an alternative bill in the fiscal year 2001 State operating budget; providing for the termination of this Act; and generally relating to law enforcement procedures and traffic stops"; and after line 13, insert:

"BY adding to

Article - Transportation

Section 25-113

Annotated Code of Maryland

(1999 Replacement Volume and 1999 Supplement)".

AMENDMENT NO. 2

(Over)

On pages 1 through 3, strike in their entirety the lines beginning with line 14 on page 1 through line 27 on page 3, inclusive, and substitute:

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

Article - Transportation

25-113.

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

(2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS LISTED IN ARTICLE 27, § 727(B) OF THE CODE AND THAT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS SECTION.

(3) “LAW ENFORCEMENT OFFICER” MEANS ANY 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 SECTION.

(4) “MARYLAND JUSTICE ANALYSIS CENTER” MEANS THE CENTER OPERATED BY THE DEPARTMENT OF CRIMINOLOGY AND CRIMINAL JUSTICE AT THE UNIVERSITY OF MARYLAND COLLEGE PARK.

(5) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER ARTICLE 41, § 4-201 OF THE CODE.

(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, “TRAFFIC STOP” MEANS ANY INSTANCE WHEN A LAW ENFORCEMENT OFFICER STOPS THE DRIVER OF A MOTOR VEHICLE AND DETAINS THE DRIVER FOR ANY PERIOD OF TIME FOR A VIOLATION OF THE MARYLAND VEHICLE LAW.

(II) “TRAFFIC STOP” DOES NOT INCLUDE:

1. A CHECKPOINT OR ROADBLOCK STOP;
2. A STOP OF MULTIPLE VEHICLES DUE TO A TRAFFIC ACCIDENT OR EMERGENCY SITUATION REQUIRING THE STOPPING OF VEHICLES FOR PUBLIC SAFETY PURPOSES; OR
3. A STOP BASED ON THE USE OF RADAR, LASER, OR VASCAR TECHNOLOGY.

(B) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE MARYLAND JUSTICE ANALYSIS CENTER, SHALL DEVELOP:

(1) A UNIFORM FORM DESIGNED TO ALLOW THE RECORDING OF DATA REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IN AN EFFICIENT MANNER THAT EACH LAW ENFORCEMENT AGENCY SHALL REQUIRE ITS OFFICERS TO USE FOR DATA COLLECTION PURPOSES;

(2) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE AS A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED BY ITS OFFICERS FOR USE IN COUNSELING AND IMPROVED TRAINING;

(3) A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE MARYLAND JUSTICE ANALYSIS CENTER UNDER SUBSECTION (E) OF THIS SECTION; AND

(4) ON OR BEFORE JULY 1, 2001, A MODEL POLICY AGAINST RACE-BASED TRAFFIC STOPS THAT A LAW ENFORCEMENT AGENCY COVERED UNDER SUBSECTION (C)(1)(II) OR (III) OF THIS SECTION CAN USE IN DEVELOPING ITS POLICY IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT:

(I) ON JANUARY 1, 2001, HAS 100 OR MORE LAW ENFORCEMENT OFFICERS;

(II) ON JANUARY 1, 2002, HAS 50 OR MORE LAW ENFORCEMENT OFFICERS; AND

(III) ON JANUARY 1, 2003, HAS 1 OR MORE LAW ENFORCEMENT OFFICERS.

(2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT, ON OR BEFORE JULY 1, 2000, HAS ENTERED INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE THAT REQUIRES IT TO COLLECT DATA ON THE RACE OR ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.

(D) EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP, THAT OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE FORM DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION:

(1) THE DATE, LOCATION, AND THE TIME OF THE STOP;

(2) THE APPROXIMATE DURATION OF THE STOP;

(3) THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE BEEN COMMITTED THAT LED TO THE STOP;

(4) WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE STOP;

(5) IF A SEARCH WAS CONDUCTED, THE REASON FOR THE SEARCH, WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL, WHETHER THE PERSON WAS SEARCHED, AND WHETHER THE PERSON'S PROPERTY WAS SEARCHED;

(6) WHETHER ANY CONTRABAND OR OTHER PROPERTY WAS SEIZED IN THE COURSE OF THE SEARCH;

(7) WHETHER A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION WAS ISSUED AS A RESULT OF THE STOP;

(8) IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION;

(9) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER THE STOP OR THE SEARCH;

(10) IF AN ARREST WAS MADE, THE CRIME CHARGED;

(11) THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;

(12) THE GENDER OF THE DRIVER;

(13) THE DATE OF BIRTH OF THE DRIVER;

(14) THE STATE AND, IF AVAILABLE ON THE DRIVER'S LICENSE, THE COUNTY OF RESIDENCE OF THE DRIVER; AND

(15) THE RACE OR ETHNICITY OF THE DRIVER AS:

(I) ASIAN;

(II) BLACK;

(III) HISPANIC;

(Over)

(IV) WHITE; OR

(V) OTHER.

(E) (1) A LAW ENFORCEMENT AGENCY SHALL:

(I) COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF THIS SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION; AND

(II) SUBMIT THE REPORT TO THE MARYLAND JUSTICE ANALYSIS CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR YEAR.

(2) A LAW ENFORCEMENT AGENCY THAT IS EXEMPT UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL SUBMIT TO THE MARYLAND JUSTICE ANALYSIS CENTER COPIES OF REPORTS IT SUBMITS TO THE UNITED STATES DEPARTMENT OF JUSTICE IN LIEU OF THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(F) (1) THE MARYLAND JUSTICE ANALYSIS CENTER SHALL ANALYZE THE ANNUAL REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION BASED ON A METHODOLOGY DEVELOPED IN CONSULTATION WITH THE POLICE TRAINING COMMISSION.

(2) THE MARYLAND JUSTICE ANALYSIS CENTER SHALL SUBMIT A REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.

(G) (1) A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY AGAINST RACE-BASED TRAFFIC STOPS THAT IS TO BE USED AS A MANAGEMENT TOOL TO PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND IN THE TRAINING AND COUNSELING OF ITS OFFICERS.

(2) THE POLICY SHALL PROHIBIT THE PRACTICE OF USING AN INDIVIDUAL'S RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO INITIATE A TRAFFIC STOP. HOWEVER, THE POLICY SHALL MAKE CLEAR THAT IT MAY NOT BE CONSTRUED TO ALTER THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO MAKE AN ARREST, CONDUCT A SEARCH OR SEIZURE, OR OTHERWISE FULFILL THE OFFICER'S LAW ENFORCEMENT OBLIGATIONS.

(3) THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT AGENCY TO PERIODICALLY REVIEW DATA COLLECTED BY ITS OFFICERS UNDER SUBSECTION (D) OF THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE MARYLAND JUSTICE ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.

(H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND JUSTICE ANALYSIS CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION.

(2) THE POLICE TRAINING 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 WITHIN 30 DAYS AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION, THE MARYLAND JUSTICE ANALYSIS CENTER AND POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That beginning January 1, 2001, data shall be collected under Section 1 of this Act through December 31, 2005, and the Maryland Justice Analysis Center shall issue a final report before September 1, 2006."

AMENDMENT NO. 3

On page 3, before line 28, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Senate Bill 110 shall be substituted for and replace the reference to House Bill 225 in Conference Committee Supplemental Budget Amendment No. 25 to Senate Bill 150, the State Operating Budget, which was enacted into law on April 4, 2000. Conference Committee Supplemental Budget Amendment No. 25 to Senate Bill 150 provides that the \$250,000 appropriated for the collection and study of traffic stop data in Supplemental Budget No. 2 is contingent upon the enactment of House Bill 225. It is the intent of the General Assembly to ensure the viability of the funding for the study of traffic stop data; therefore, this Section 3 of this Act is intended to clarify that the bill number of this Act supplants the reference to House Bill 225 in Conference Committee Supplemental Budget Amendment No. 25 to Senate Bill 150 of 2000.”.

AMENDMENT NO. 4

On page 3, in line 28, strike “2.” and substitute “4.”; and in line 29, strike “October” and substitute “July”; and in the same line, after “2000.” insert “It shall remain effective for a period of 6 years and 2 months and, at the end of August 31, 2006, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.