

SB0014/510813/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 14
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 2 down through “Requirements” in line 3; in lines 5 and 15, in each instance, strike “strip searches and body cavity searches”; in line 18, strike “certain” and substitute “specified”; strike beginning with “providing” in line 19 down through “Act” in line 20 and substitute “providing certain exceptions applicable to law enforcement agencies that are subject to certain agreements; defining certain terms; altering certain definitions; repealing certain provisions of this Act; providing for the termination of a certain provision of this Act; providing for a delayed effective date for certain provisions of this Act”; and strike beginning with the comma in line 21 down through “searches” in line 22.

On page 2, after line 3, insert:

“BY repealing and reenacting, with amendments,

Article - Transportation

Section 25-113

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 10 through 16, inclusive; in lines 17, 19, 22, and 28, strike “**(5)**”, “**(6)**”, “**(7)**”, and “**(8)**”, respectively, and substitute “**(2)**”, “**(3)**”, “**(4)**”, and “**(5)**”, respectively; in line 18, after “**ARTICLE**” insert “**AND THAT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS SECTION**”; in line 21, after “**AGENCY**” insert “**THAT IS**

(Over)

SUBJECT TO THIS SECTION"; and strike in their entirety lines 31 through 33, inclusive.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 and 2; in line 3, strike "**(10)**" and substitute "**(6)**"; in line 3, strike beginning with "**SUBJECT**" through the comma; in line 4, strike "**TRAFFIC**" and substitute "**TRAFFIC**"; and strike beginning with "**EXCEPT**" in line 16 down through "**(C)**" in line 21.

AMENDMENT NO. 4

On page 4, strike beginning with "**AND**" in line 1 down through the second "**SEARCHES**" in line 2; after line 4, insert:

"(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS ONE 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 IS SUBJECT TO 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.";

in line 6, strike beginning with the first "**OR**" through the second "**SEARCH**"; and in lines 10 and 11, 12 and 13, and 15 and 16, in each instance, strike "**, STRIP SEARCH, OR BODY CAVITY SEARCH**".

AMENDMENT NO. 5

On page 5, in line 15, strike “(C)(3)” and substitute “(B)(3)”; strike beginning with “DESCRIBED” in line 19 down through “(B)” in line 20 and substitute “THAT IS EXEMPT UNDER SUBSECTION (C)(2)”.

AMENDMENT NO. 6

On page 6, in line 5, strike “EACH” and substitute “A”; strike beginning with the first “AND” in line 6 down through “SEARCHES” in line 7; in line 9, strike “LAW ENFORCEMENT”; in line 10, after “(2)” insert “(I)”; strike beginning with the colon in line 10 down through “PROHIBIT” in line 11 and substitute “PROHIBIT”; strike beginning with the comma in line 12 down through “BUT” in line 13 and substitute a period; in line 14, strike “MAKE” and substitute “THE POLICY SHALL MAKE”; in the same line, strike “THE POLICY” and substitute “IT”; in line 18, strike “REQUIRE” and substitute “PROVIDE FOR”; and after line 35, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, 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 § 3–101(e) of the Public Safety Article [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].

(Over)

(4) ["Maryland Statistical Analysis Center" means the research, development, and evaluation component of the Governor's Office of Crime Control and Prevention.

(5) "Police Training Commission" means the unit within the Department of Public Safety and Correctional Services established under § 3-202 of the Public Safety Article.

(6) (i) "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;
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on the use of license plate reader technology.

(b) [The Police Training Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;

(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 Statistical Analysis Center under subsection (e) of this section; and

(4) A model policy against race-based traffic stops that a law enforcement agency 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 has one 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 is subject to 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 format 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;

(Over)

(5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a 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;

(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 Statistical 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 Statistical 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 Statistical 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 Statistical 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.

(Over)

(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) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) 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 Statistical 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 Statistical 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 Statistical Analysis Center and the Police Training Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.】”.

AMENDMENT NO. 7

On page 7, strike in their entirety lines 1 through 4, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2014.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2011. Section 1 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2014, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.”.