

Article - Criminal Procedure

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§4-101.1. IN EFFECT

// EFFECTIVE UNTIL AUGUST 31, 2018 PER CHAPTERS 504 AND 505 OF 2012 //

(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.

(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.

(b) The Police Training Commission and the Maryland Statistical Analysis Center, in consultation with the Administrative Office of the Courts, shall develop a format for the efficient recording of data required to be submitted under subsection (e) of this section.

(c) On or before December 31, 2012, the Police Training Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) guidelines that each law enforcement agency may use as a management tool to evaluate data collected under subsection (e) of this section for use in counseling and improved training; and

(2) a model policy against the issuance of a citation on the basis of race that a law enforcement agency can use in developing its policy in accordance with subsection (h) of this section.

(d) This section applies to each law enforcement agency that has one or more law enforcement officers.

(e) Each time a law enforcement officer issues a citation in accordance with § 4-101 of this subtitle, that officer shall report the following information on the Maryland Uniform Citation Form consistent with the procedures developed under

subsection (f) of this section using the format developed under subsection (b) of this section:

- (1) the date, location, and time of the issuance of the citation;
- (2) the offense charged;
- (3) the gender of the offender;
- (4) the date of birth of the offender;
- (5) the state and, if available, the county of residence of the offender; and
- (6) the race or ethnicity of the offender as:
 - (i) Asian;
 - (ii) black;
 - (iii) Hispanic;
 - (iv) white; or
 - (v) other.

(f) On or before December 31, 2012, the Police Training Commission and the Maryland Statistical Analysis Center, in consultation with the Administrative Office of the Courts, shall develop a procedure for:

- (1) the compilation of data required to be collected under this section for the calendar year as a report in the format required under subsection (b) of this section; and
- (2) the submission of the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year beginning on March 1, 2014.

(g) (1) The Maryland Statistical Analysis Center shall analyze the annual reports submitted under subsection (f) 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 beginning on September 1, 2014.

(h) (1) A law enforcement agency shall adopt a policy against the issuance of a citation on the basis of race 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 issue a citation.

(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 under subsection (e) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

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