

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 785
Judiciary

(Delegate Anderson, *et al.*)

Judicial Proceedings

Public Safety - Motorcycle Profiling - Training

This bill requires the Police Training Commission (PTC) to require (1) a statement condemning “motorcycle profiling” to be included in existing written policies regarding other profiling and (2) for entrance-level police training and 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.

Fiscal Summary

State Effect: Any additional training costs for PTC and other State agencies are assumed to be absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: While some local governments can implement the bill with existing resources, others may incur minimal costs to modify current training programs to meet the bill’s requirements. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The term “motorcycle profiling” means the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.

Current Law: The statutory powers and duties of PTC include the following:

- to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by PTC, including State, regional, county, and municipal training schools;
- to approve and issue certificates of approval to police training schools; and
- to require, for entrance-level police training and, as determined by PTC, 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, (1) training in lifesaving techniques, including cardiopulmonary resuscitation; (2) training in the proper level and use of force; (3) training regarding sensitivity to cultural and gender diversity; and (4) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities.

Chapters 342 and 343 of 2001 required the State's law enforcement agencies to adopt a policy against race-based traffic stops to be used as a management tool to promote nondiscriminatory law enforcement practices as well as in the training and counseling of officers. The policy must specifically prohibit using an individual's race or ethnicity as the sole reason to initiate a traffic stop. That requirement was made permanent by Chapter 173 of 2011. In addition, Chapter 127 of 2015 required PTC, in consultation with the Maryland Statistical Analysis Center, to develop a model policy against race-based traffic stops that a law enforcement agency can use in developing its own policy.

A "traffic stop" does not include (1) a checkpoint or roadblock stop; (2) a stop for public safety purposes arising from a traffic accident or emergency situation; (3) a stop based on the use of radar, laser, or VASCAR technology; or (4) a stop based on license plate reader technology.

PTC regulations address police officer entrance-level training and include requirements for training in patrol, traffic, emergency medical care, protective strategies and tactics, health and wellness, and firearms training and qualification, among other things. PTC regulations also establish requirements for police officer annual in-service training.

Additional Information

Prior Introductions: SB 727 of 2015, a similar bill, passed the Senate with amendments and was referred to the House Rules and Executive Nominations Committee, but no further

action was taken on the bill. Its cross file, HB 918, received a hearing in the House Judiciary Committee, but no further action was taken on the bill.

Cross File: SB 233 (Senator Norman, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore City; Caroline, Montgomery, and Prince George's counties; City of Frederick; Governor's Office of Crime Control and Prevention; Department of General Services; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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