

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 628
Judiciary

(Delegate Moon, *et al.*)

Criminal Procedure - Traffic Stops - Officer Disclosures

This bill requires a law enforcement officer, at the time that the law enforcement officer makes a “traffic stop,” to immediately disclose, to the driver of the motor vehicle, the law enforcement officer’s name, badge number, and the reason for the traffic stop. The disclosure requirement does not apply under exigent circumstances.

“Traffic stop” means an instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a suspected violation of the Maryland Vehicle Law or of any other law.

Fiscal Summary

State Effect: The bill is procedural in nature and does not materially affect State finances.

Local Effect: The bill is procedural in nature and does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law/Background: Maryland law does not specify the information that must be given by a law enforcement officer during a traffic stop.

Duty to Stop for Police Officer: Generally, if a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying the police officer’s badge or other insignia of office, a driver of a vehicle may not attempt to elude the police officer by willfully failing to stop the driver’s vehicle, fleeing on foot, or any

other means. If a police officer gives a visual or audible signal to stop and the police officer, whether or not in uniform, is in a vehicle appropriately marked as an official police vehicle, a driver of a vehicle may not attempt to elude the police officer by willfully failing to stop the driver's vehicle, fleeing on foot, or any other means.

Other States: Several states have requirements for a law enforcement officer to present identification upon stopping a driver. South Carolina requires a law enforcement officer that stops a driver for a violation of the motor vehicle laws to present the law enforcement officer's badge or other appropriate identification to the driver immediately upon approaching the driver and before questioning. Massachusetts law requires a police officer to carry an identification card and present it upon request. An officer is also required to wear a "badge, tag, or label" with the officer's name and/or identifying number. The New York Police Department has a policy that requires police officers to identify themselves; however, legislation to make it a requirement in statute failed in the New York City Council in 2014.

Additional Comments: The Maryland Department of Transportation (MDOT) expresses concern that, if an officer forgets to do one of the required provisions in the bill, any possible activity discovered after contact with a motorist could be argued as inadmissible in court. MDOT advises that while Maryland Transportation Authority (MDTA) police officers generally identify themselves during traffic stops, the practice is not mandated by MDTA policy.

Montgomery County also notes that the bill's provisions may have the unintended consequences of impairing or compromising an investigation, resulting in the exclusion of evidence and potentially exposing an officer and/or agency to civil liability.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Dorchester, Garrett, and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of General Services; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Massachusetts General Laws; New York City Council; Code of Laws of South Carolina; Department of Legislative Services

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min/kdm

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