

SENATE BILL 417

R7, E4

(9lr2783)

ENROLLED BILL

— Judicial Proceedings/Environment and Transportation —

Introduced by **Senators Carter, Augustine, Benson, Ferguson, Hayes, Lee, McCray, Nathan-Pulliam, Smith, and Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – ~~Ethnicity Based or Race-Based~~ Traffic Stops – Policy and**
3 **Reporting Requirements**

4 FOR the purpose of ~~requiring certain law enforcement agencies to report certain~~
5 ~~information to the Maryland Statistical Analysis Center; altering the categories of~~
6 ~~ethnicity and race a law enforcement officer is required to report to the law~~
7 ~~enforcement agency that employs the officer; requiring the Maryland Statistical~~
8 ~~Analysis Center to make certain reports to the General Assembly, the Governor, and~~
9 ~~law enforcement agencies; altering a certain definition; ~~repealing~~ repealing~~
10 a termination provision for certain provisions of law relating to policy and reporting
11 requirements for race-based traffic stops; repealing a certain reporting requirement
12 of the Maryland Statistical Analysis Center on certain traffic stop data and requiring
13 the Maryland Statistical Analysis Center on or before a certain date each year to place
14 on its website in a certain manner a filterable data display showing certain traffic

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 *stop data; requiring the Governor's Office of Crime Control and Prevention to provide*
 2 *certain notice to the General Assembly when the filterable data display is updated;*
 3 ~~*requiring the Maryland Statistical Analysis Center to submit a certain report*~~
 4 ~~*disaggregated by jurisdiction and law enforcement agency;*~~ making stylistic changes;
 5 ~~*altering a certain definition;*~~ and generally relating to law enforcement procedures
 6 and traffic stops.

7 BY repealing and reenacting, with amendments,
 8 Article – Transportation
 9 Section 25–113
 10 Annotated Code of Maryland
 11 (2012 Replacement Volume and 2018 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Chapter 127 of the Acts of the General Assembly of 2015
 14 Section 2

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

17 **Article – Transportation**

18 25–113.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) “Law enforcement agency” means an agency that is listed in § 3–101(e)
 21 of the Public Safety Article.

22 (3) “Law enforcement officer” means any person who, in an official
 23 capacity, is authorized by law to make arrests and who is an employee of a law enforcement
 24 agency.

25 (4) **“MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”**
 26 **MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND**
 27 **CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY**
 28 **ARTICLE.**

29 [(4)] (5) “Maryland Statistical Analysis Center” means the research,
 30 development, and evaluation component of the Governor's Office of Crime Control and
 31 Prevention.

32 [(5)] (5) “Police Training and Standards Commission” means the unit within the
 33 Department of Public Safety and Correctional Services established under § 3–202 of the
 34 Public Safety Article.]

1 (6) (i) "Traffic stop" means any instance when a law enforcement officer
2 stops the driver of a motor vehicle and detains the driver for any period of time for a
3 violation of the Maryland Vehicle Law.

4 (ii) "Traffic stop" does not include:

- 5 1. A checkpoint or roadblock stop; ~~OR~~
- 6 2. A stop of multiple vehicles due to a traffic accident or
7 emergency situation requiring the stopping of vehicles for public safety purposes~~;~~;
- 8 3. A stop based on the use of radar, laser, or vascar
9 technology; or
- 10 4. A stop based on the use of license plate reader technology~~;~~.

11 (b) The **MARYLAND** Police Training and Standards Commission, in consultation
12 with the Maryland Statistical Analysis Center, shall develop:

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

16 (2) Guidelines that each law enforcement agency may use as a
17 management tool to evaluate data collected by its officers for use in counseling and
18 improved training;

19 (3) A standardized format that each law enforcement agency shall use in
20 reporting data to the Maryland Statistical Analysis Center under subsection (e) of this
21 section; and

22 (4) A model policy against ~~ETHNICITY-BASED-AND~~ race-based traffic
23 stops that a law enforcement agency may use in developing its policy in accordance with
24 subsection (g) of this section.

25 (c) ~~¶~~(1) Subject to paragraph (2) of this subsection, this~~;~~ ~~THIS~~ section applies
26 to each law enforcement agency that has one or more law enforcement officers.

27 ~~¶~~(2) Except as provided in subsection (e)(2) of this section, this section does
28 not apply to a law enforcement agency that is subject to an agreement with the United
29 States Department of Justice that requires the law enforcement agency to collect data on
30 the race or ethnicity of the drivers of motor vehicles stopped.~~¶~~

31 (d) Each time a law enforcement officer makes a traffic stop, that officer shall
32 report the following information to the law enforcement agency that employs the officer
33 using the format developed under subsection (b)(1) of this section:

- 1 (1) The date, location, and time of the stop;
- 2 (2) The approximate duration of the stop;
- 3 (3) The traffic violation or violations alleged to have been committed that
4 led to the stop;
- 5 (4) Whether a search was conducted as a result of the stop;
- 6 (5) If a search was conducted, the reason for the search, whether the search
7 was consensual or nonconsensual, whether a person was searched, and whether a person's
8 property was searched;
- 9 (6) Whether any contraband or other property was seized in the course of
10 the search;
- 11 (7) Whether a warning, safety equipment repair order, or citation was
12 issued as a result of the stop;
- 13 (8) If a warning, safety equipment repair order, or citation was issued, the
14 basis for issuing the warning, safety equipment repair order, or citation;
- 15 (9) Whether an arrest was made as a result of either the stop or the search;
- 16 (10) If an arrest was made, the crime charged;
- 17 (11) The state in which the stopped vehicle is registered;
- 18 (12) The gender of the driver;
- 19 (13) The date of birth of the driver;
- 20 (14) The state and, if available on the driver's license, the county of
21 residence of the driver; ~~and~~
- 22 (15) ~~THE ETHNICITY OF THE DRIVER AS:~~
- 23 ~~(I) HISPANIC OR LATINO; OR~~
- 24 ~~(II) NOT HISPANIC OR LATINO; AND~~
- 25 ~~(16)~~ The race ~~for ethnicity~~ of the driver as:
- 26 ~~(i)~~ Asian;

- 1 (ii) Black;
- 2 (iii) Hispanic;
- 3 (iv) White; or
- 4 (v) Other.‡

5 ~~(I) WHITE ALONE;~~

6 ~~(II) BLACK OR AFRICAN AMERICAN ALONE;~~

7 ~~(III) ASIAN ALONE;~~

8 ~~(IV) NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER ALONE;~~

9 ~~(V) SOME OTHER RACE ALONE;~~

10 ~~(VI) TWO OR MORE RACES INCLUDING SOME OTHER RACE; OR~~

11 ~~(VII) TWO OR MORE RACES EXCLUDING SOME OTHER RACE.~~

12 (e) ~~‡(1)‡~~ A law enforcement agency shall:

13 ~~‡(i)‡ (1)~~ Compile the data described in subsection (d) of this section
 14 for the calendar year as a report in the format required under subsection (b)(3) of this
 15 section; and

16 ~~‡(ii)‡ (2)~~ Submit the report to the Maryland Statistical Analysis
 17 Center no later than March 1 of the following calendar year.

18 ~~‡(2)~~ A law enforcement agency that is exempt under subsection (c)(2) of this
 19 section shall submit to the Maryland Statistical Analysis Center copies of reports it submits
 20 to the United States Department of Justice in lieu of the report required under paragraph
 21 (1) of this subsection.‡

22 (f) (1) The Maryland Statistical Analysis Center shall analyze the annual
 23 reports of law enforcement agencies submitted under subsection (e) of this section based on
 24 a methodology developed in consultation with the MARYLAND Police Training and
 25 Standards Commission.

26 (2) ~~(I) The ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE Maryland~~
 27 ~~Statistical Analysis Center shall submit a report of the findings, DISAGGREGATED BY~~
 28 ~~JURISDICTION AND LAW ENFORCEMENT AGENCY, to the Governor, the General~~
 29 ~~Assembly in accordance with § 2-1246 of the State Government Article, and each law~~

~~enforcement agency before September 1 of each year~~ POST ON ITS WEBSITE IN A LOCATION THAT IS EASILY ACCESSIBLE TO THE PUBLIC A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SECTION FOR THE PREVIOUS CALENDAR YEAR.

(II) A FILTERABLE DATA DISPLAY UNDER THIS PARAGRAPH SHALL ALLOW A PERSON TO:

1. FILTER THE TRAFFIC STOP DATA BY COUNTY OR MUNICIPALITY OR LAW ENFORCEMENT AGENCY; AND

2. REVIEW VARIOUS VISUALS ASSOCIATED WITH DATA ITEMS REPORTED UNDER SUBSECTION (D) OF THIS SECTION.

(III) BEGINNING WITH DATA COLLECTED FOR CALENDAR YEAR 2018, THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL INCLUDE AND MAINTAIN DATA FROM ALL PRIOR YEARS IN THE FILTERABLE DATA DISPLAY.

(IV) WHEN THE MARYLAND STATISTICAL ANALYSIS CENTER UPDATES A FILTERABLE DATA DISPLAY UNDER THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE ELECTRONIC AND WRITTEN NOTICE OF THE UPDATE TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

~~(3) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT A COPY OF EACH REPORT SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY BEFORE SEPTEMBER 1 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) (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.

1 (h) (1) If a law enforcement agency fails to comply with the reporting
 2 provisions of this section, the Maryland Statistical Analysis Center shall report the
 3 noncompliance to the **MARYLAND** Police Training and Standards Commission.

4 (2) The **MARYLAND** Police Training and Standards Commission shall
 5 contact the law enforcement agency and request that the agency comply with the required
 6 reporting provisions.

7 (3) If the law enforcement agency fails to comply with the required
 8 reporting provisions within 30 days after being contacted by the **MARYLAND** Police
 9 Training and Standards Commission, the Maryland Statistical Analysis Center and the
 10 **MARYLAND** Police Training and Standards Commission jointly shall report the
 11 noncompliance to the Governor and the Legislative Policy Committee of the General
 12 Assembly.

13 **Chapter 127 of the Acts of 2015**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 15 1, 2015. ~~It shall remain effective for a period of 5 **10** years and, at the end of May 31, 2020~~
 16 ~~**2025**, with no further action required by the General Assembly, this Act shall be abrogated~~
 17 ~~and of no further force and effect.]~~

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 ~~October~~ *July* 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.