

SENATE BILL 566

E2
SB 422/12 – JPR

9lr2386
CF 9lr1682

By: **Senator Lee**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Citations – Reporting**

3 FOR the purpose of requiring certain law enforcement officers to record certain information
4 pertaining to the issuance of certain citations; requiring the Maryland Police
5 Training and Standards Commission (MPTSC) and the Maryland Statistical
6 Analysis Center (MSAC), in consultation with the Administrative Office of the
7 Courts, to develop a certain format for the recording of certain data and to develop
8 certain procedures relating to the compilation and submission of certain data on or
9 before a certain date; requiring the MPTSC to develop certain guidelines for certain
10 data collection and a certain model policy relating to citations; requiring the MSAC
11 to analyze certain data based on a methodology developed in conjunction with the
12 MPTSC; requiring the MSAC to make certain reports to the General Assembly, the
13 Governor, and law enforcement agencies; requiring law enforcement agencies to
14 adopt certain policies regarding the issuance of certain citations; defining certain
15 terms; and general relating to the issuance of citations.

16 BY adding to
17 Article – Criminal Procedure
18 Section 4–101.1
19 Annotated Code of Maryland
20 (2018 Replacement Volume)

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

23 **Article – Criminal Procedure**

24 **4–101.1.**

25 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INDICATED.

2 (2) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY THAT IS
3 LISTED IN § 3-101(E) OF THE PUBLIC SAFETY ARTICLE AND THAT, IN ACCORDANCE
4 WITH SUBSECTION (D) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS
5 SECTION.

6 (3) "LAW ENFORCEMENT OFFICER" MEANS ANY PERSON WHO, IN AN
7 OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN
8 EMPLOYEE OF A LAW ENFORCEMENT AGENCY.

9 (4) "MARYLAND STATISTICAL ANALYSIS CENTER" MEANS THE
10 RESEARCH, DEVELOPMENT, AND EVALUATION COMPONENT OF THE GOVERNOR'S
11 OFFICE OF CRIME CONTROL AND PREVENTION.

12 (5) "MARYLAND POLICE TRAINING AND STANDARDS COMMISSION"
13 MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND
14 CORRECTIONAL SERVICES ESTABLISHED UNDER § 3-202 OF THE PUBLIC SAFETY
15 ARTICLE.

16 (B) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION AND
17 THE MARYLAND STATISTICAL ANALYSIS CENTER, IN CONSULTATION WITH THE
18 ADMINISTRATIVE OFFICE OF THE COURTS, SHALL DEVELOP A FORMAT FOR THE
19 EFFICIENT RECORDING OF DATA REQUIRED TO BE SUBMITTED UNDER SUBSECTION
20 (E) OF THIS SECTION.

21 (C) ON OR BEFORE DECEMBER 31, 2019, THE MARYLAND POLICE
22 TRAINING AND STANDARDS COMMISSION, IN CONSULTATION WITH THE MARYLAND
23 STATISTICAL ANALYSIS CENTER, SHALL DEVELOP:

24 (1) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE AS
25 A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED UNDER SUBSECTION (E) OF
26 THIS SECTION FOR USE IN COUNSELING AND IMPROVED TRAINING; AND

27 (2) A MODEL POLICY AGAINST THE ISSUANCE OF A CITATION ON THE
28 BASIS OF RACE THAT A LAW ENFORCEMENT AGENCY CAN USE IN DEVELOPING ITS
29 POLICY IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.

30 (D) THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS
31 ONE OR MORE LAW ENFORCEMENT OFFICERS.

32 (E) EACH TIME A LAW ENFORCEMENT OFFICER ISSUES A CITATION IN
33 ACCORDANCE WITH § 4-101 OF THIS SUBTITLE, THAT OFFICER SHALL REPORT THE

1 FOLLOWING INFORMATION ON THE MARYLAND UNIFORM CITATION FORM
2 CONSISTENT WITH THE PROCEDURES DEVELOPED UNDER SUBSECTION (F) OF THIS
3 SECTION USING THE FORMAT DEVELOPED UNDER SUBSECTION (B) OF THIS
4 SECTION:

5 (1) THE DATE, LOCATION, AND TIME OF THE ISSUANCE OF THE
6 CITATION;

7 (2) THE OFFENSE CHARGED;

8 (3) THE GENDER OF THE OFFENDER;

9 (4) THE DATE OF BIRTH OF THE OFFENDER;

10 (5) THE STATE AND, IF AVAILABLE, THE COUNTY OF RESIDENCE OF
11 THE OFFENDER;

12 (6) THE ETHNICITY OF THE OFFENDER AS:

13 (I) HISPANIC OR LATINO; OR

14 (II) NOT HISPANIC OR LATINO;

15 (7) THE RACE OF THE OFFENDER AS:

16 (I) WHITE ALONE;

17 (II) BLACK OR AFRICAN AMERICAN ALONE;

18 (III) ASIAN ALONE;

19 (IV) NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER ALONE;

20 (V) SOME OTHER RACE ALONE;

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

22 (VII) TWO OR MORE RACES EXCLUDING SOME OTHER RACE;

23 (8) IF A CITATION IS ISSUED IN LIEU OF MAKING AN ARREST, THE
24 BASIS FOR ISSUING A CITATION INSTEAD OF MAKING THE ARREST; AND

25 (9) IF AN ARREST IS MADE AND A CITATION IS SUBSEQUENTLY ISSUED

1 IN LIEU OF CONTINUED CUSTODY, THE BASIS FOR ISSUING THE CITATION INSTEAD
2 OF CONTINUING CUSTODY.

3 (F) ON OR BEFORE DECEMBER 31, 2019, THE MARYLAND POLICE
4 TRAINING AND STANDARDS COMMISSION AND THE MARYLAND STATISTICAL
5 ANALYSIS CENTER, IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE
6 COURTS, SHALL DEVELOP A PROCEDURE FOR:

7 (1) THE COMPILATION OF DATA REQUIRED TO BE COLLECTED UNDER
8 THIS SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED
9 UNDER SUBSECTION (B) OF THIS SECTION; AND

10 (2) THE SUBMISSION OF THE REPORT TO THE MARYLAND
11 STATISTICAL ANALYSIS CENTER NOT LATER THAN MARCH 1 OF THE FOLLOWING
12 CALENDAR YEAR, BEGINNING MARCH 1, 2021.

13 (G) (1) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL
14 ANALYZE THE ANNUAL REPORTS SUBMITTED UNDER SUBSECTION (F) OF THIS
15 SECTION BASED ON A METHODOLOGY DEVELOPED IN CONSULTATION WITH THE
16 MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

17 (2) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT
18 A REPORT OF THE FINDINGS, DISAGGREGATED BY JURISDICTION AND LAW
19 ENFORCEMENT AGENCY, TO THE GOVERNOR, EACH LAW ENFORCEMENT AGENCY,
20 AND, AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
21 GENERAL ASSEMBLY ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING
22 SEPTEMBER 1, 2021.

23 (H) (1) A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY AGAINST
24 THE ISSUANCE OF A CITATION ON THE BASIS OF RACE THAT IS TO BE USED AS A
25 MANAGEMENT TOOL TO PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND
26 IN THE TRAINING AND COUNSELING OF ITS OFFICERS.

27 (2) (I) THE POLICY SHALL PROHIBIT THE PRACTICE OF USING AN
28 INDIVIDUAL'S RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO ISSUE A
29 CITATION.

30 (II) THE POLICY SHALL MAKE CLEAR THAT IT MAY NOT BE
31 CONSTRUED TO ALTER THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO MAKE
32 AN ARREST, CONDUCT A SEARCH OR SEIZURE, OR OTHERWISE FULFILL THE
33 OFFICER'S LAW ENFORCEMENT OBLIGATIONS.

34 (3) THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT

1 AGENCY TO PERIODICALLY REVIEW DATA COLLECTED UNDER SUBSECTION (E) OF
2 THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE MARYLAND
3 STATISTICAL ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS
4 SUBSECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2019.