

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 225

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, and Mandel”; strike beginning with “that” in line 3 down through “licenses” in line 4 and substitute “certain law enforcement officers to record certain information pertaining to traffic stops”; in line 4, after “requiring” insert “certain”; in line 5, strike “under certain circumstances” and substitute “to the Maryland Justice Analysis Center (MJAC); requiring the Police Training Commission to develop a certain form and guidelines and a standardized format for the reporting of certain data; requiring the Police Training Commission to develop a certain model policy; requiring the MJAC to analyze certain data based on a methodology developed in conjunction with the Police Training Commission”; in lines 5 and 6, strike “Attorney General” and substitute “MJAC”; in line 6, strike “report” and substitute “make certain reports”; in the same line, strike “and” and substitute a comma; in lines 6 and 7, strike “on or before a certain date” and substitute “, and law enforcement agencies”; in line 8, after “stops” insert “for certain purposes”; strike beginning with “authorizing” in line 8 down through “agencies” in line 9 and substitute “providing for the phasing in of certain requirements; requiring the MJAC to report to the Police Training Commission law enforcement agencies that fail to comply with certain reporting requirements; requiring specified actions following a report on the failure of a law enforcement agency to comply; providing certain exceptions applicable to law enforcement agencies that have entered into certain agreements; defining certain terms; providing for the termination of this Act”; in line 9, strike “motor vehicle”; in line 10, after “procedures” insert “and traffic stops”; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 2 on page 2 through line 22 on page 3, inclusive.

AMENDMENT NO. 3

(Over)

On pages 3 and 4, strike beginning with the colon in line 26 on page 3 down through "LAW" in line 11 on page 4 and substitute "AN AGENCY THAT IS LISTED IN ARTICLE 27, § 727(B) OF THE CODE AND THAT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS SECTION".

On page 4, in line 14, after "AGENCY" insert "THAT IS SUBJECT TO THIS SECTION"; strike beginning with "'MINORITY'" in line 15 down through "DESCENT" in line 16 and substitute "'MARYLAND JUSTICE ANALYSIS CENTER' MEANS THE CENTER OPERATED BY THE DEPARTMENT OF CRIMINOLOGY AND CRIMINAL JUSTICE AT THE UNIVERSITY OF MARYLAND COLLEGE PARK.

(5) "POLICE TRAINING COMMISSION" MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER ARTICLE 41, § 4-201 OF THE CODE.

(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, "TRAFFIC STOP" MEANS ANY INSTANCE WHEN A LAW ENFORCEMENT OFFICER STOPS THE DRIVER OF A MOTOR VEHICLE AND DETAINS THE DRIVER FOR ANY PERIOD OF TIME FOR A VIOLATION OF THE MARYLAND VEHICLE LAW.

(II) "TRAFFIC STOP" DOES NOT INCLUDE:

1. A CHECKPOINT OR ROADBLOCK STOP;
2. A STOP OF MULTIPLE VEHICLES DUE TO A TRAFFIC ACCIDENT OR EMERGENCY SITUATION REQUIRING THE STOPPING OF VEHICLES FOR PUBLIC SAFETY PURPOSES; OR
3. A STOP BASED ON THE USE OF RADAR, LASER, OR VASCAR TECHNOLOGY".

AMENDMENT NO. 4

On page 4, after line 16, insert:

"(B) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE

MARYLAND JUSTICE ANALYSIS CENTER, SHALL DEVELOP:

(1) A UNIFORM FORM DESIGNED TO ALLOW THE RECORDING OF DATA REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IN AN EFFICIENT MANNER THAT EACH LAW ENFORCEMENT AGENCY SHALL REQUIRE ITS OFFICERS TO USE FOR DATA COLLECTION PURPOSES;

(2) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE AS A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED BY ITS OFFICERS FOR USE IN COUNSELING AND IMPROVED TRAINING;

(3) A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE MARYLAND JUSTICE ANALYSIS CENTER UNDER SUBSECTION (E) OF THIS SECTION; AND

(4) ON OR BEFORE JULY 1, 2001, A MODEL POLICY AGAINST RACE-BASED TRAFFIC STOPS THAT A LAW ENFORCEMENT AGENCY COVERED UNDER SUBSECTION (C)(1)(II) OR (III) OF THIS SECTION CAN USE IN DEVELOPING ITS POLICY IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.”.

AMENDMENT NO. 5

On page 4, before line 17, insert:

“(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT:

(I) ON JANUARY 1, 2001, HAS 100 OR MORE LAW ENFORCEMENT OFFICERS;

(II) ON JANUARY 1, 2002, HAS 50 OR MORE LAW ENFORCEMENT OFFICERS; AND

(III) ON JANUARY 1, 2003, HAS 1 OR MORE LAW ENFORCEMENT OFFICERS.

(Over)

(2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT, ON OR BEFORE JULY 1, 2000, HAS ENTERED INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE THAT REQUIRES IT TO COLLECT DATA ON THE RACE OR ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.”.

AMENDMENT NO. 6

On page 4 in line 17, and on page 5 in lines 5, 6, 13, and 28, strike “(B)”, “(C)”, “(B)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, “(D)”, “(F)”, and “(G)”, respectively.

On page 4, strike beginning with “STOPS” in line 17 down through “LAW” in line 18 and substitute “MAKES A TRAFFIC STOP”; and in line 20, after “OFFICER” insert “USING THE FORM DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION”.

AMENDMENT NO. 7

On page 4, in lines 21 and 22, strike “AGE, GENDER, AND RACE OR MINORITY GROUP OF THE INDIVIDUAL STOPPED” and substitute “DATE, LOCATION, AND THE TIME OF THE STOP”; in line 23, after “(2)” insert “THE APPROXIMATE DURATION OF THE STOP”;

(3)”;

in lines 25 and 26, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 26, after “CONDUCTED,” insert “THE REASON FOR THE SEARCH.”; in lines 26 and 27, strike “INDIVIDUAL CONSENTED TO THE”; in line 27, after the first “SEARCH” insert “WAS CONSENSUAL OR NONCONSENSUAL”; in the same line, strike “THE PROBABLE CAUSE FOR THE SEARCH.”; in line 28, after the first “SEARCHED,” insert “AND”; strike beginning with the second comma in line 28 down through “SEARCH” in line 29; in line 30, strike “(5)” and substitute “(6)”; in the same line, after “CONTRABAND” insert “OR OTHER PROPERTY”; in the same line, strike “DISCOVERED” and substitute “SEIZED”; in line 31, strike “AND THE TYPE OF ANY CONTRABAND DISCOVERED”; in line 32, strike “(6)” and substitute “(7)”; in the same line, strike “ANY” and substitute “A”; in the same line, after “WARNING” insert “, SAFETY EQUIPMENT REPAIR ORDER.”; in line 34, strike “(7)” and substitute “(8)”; in the same line, after “WARNING” insert “, SAFETY EQUIPMENT REPAIR ORDER.”; in lines 34 and 35, strike

“VIOLATION CHARGED OR” and substitute “BASIS FOR ISSUING THE”; and in line 35, strike “PROVIDED” and substitute “, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION”.

On page 5, in lines 1 and 3, strike “(8)” and “(9)”, respectively, and substitute “(9)” and “(10)”, respectively; in line 3, strike “AND”; in line 4, strike “(10)” and substitute “(11)”; in the same line, strike “THE LOCATION OF THE STOP” and substitute “THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;”

(12) THE GENDER OF THE DRIVER;

(13) THE DATE OF BIRTH OF THE DRIVER;

(14) THE STATE AND, IF AVAILABLE ON THE DRIVER'S LICENSE, THE COUNTY OF RESIDENCE OF THE DRIVER; AND

(15) THE RACE OR ETHNICITY OF THE DRIVER AS:

(I) ASIAN;

(II) BLACK;

(III) HISPANIC;

(IV) WHITE; OR

(V) OTHER”.

AMENDMENT NO. 8

On page 5, in line 5, after “SHALL” insert “;

(I);”;

strike beginning with “INTO” in line 6 down through “GENERAL.” in line 7 and substitute “AS A

(Over)

REPORT IN THE FORMAT REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION;
AND”;

in line 8, strike “(2)” and substitute “(II)”; in the same line, strike “A LAW ENFORCEMENT AGENCY SHALL”; in line 9, strike “ATTORNEY GENERAL” and substitute “MARYLAND JUSTICE ANALYSIS CENTER”; and strike in their entirety lines 11 and 12 and substitute:

“(2) A LAW ENFORCEMENT AGENCY THAT IS EXEMPT UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL SUBMIT TO THE MARYLAND JUSTICE ANALYSIS CENTER COPIES OF REPORTS IT SUBMITS TO THE UNITED STATES DEPARTMENT OF JUSTICE IN LIEU OF THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

AMENDMENT NO. 9

On page 5, in line 13, strike “ATTORNEY GENERAL” and substitute “MARYLAND JUSTICE ANALYSIS CENTER”; in line 14, strike “REQUIRED BY” and substitute “SUBMITTED UNDER”; in the same line, strike “(A)” and substitute “(E)”; in line 15, strike “AND” and substitute “BASED ON A METHODOLOGY DEVELOPED IN CONSULTATION WITH THE POLICE TRAINING COMMISSION.”.

(2) THE MARYLAND JUSTICE ANALYSIS CENTER SHALL”;

in line 17, strike “NO LATER THAN JUNE” and substitute “BEFORE SEPTEMBER”; and strike in their entirety lines 18 through 27, inclusive.

AMENDMENT NO. 10

On page 5, in line 28, before the first “A” insert “(1)”; in the same line, strike “ON” and substitute “AGAINST”; and in line 29, strike the colon and substitute “IS TO BE USED AS A MANAGEMENT TOOL TO PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND IN THE TRAINING AND COUNSELING OF ITS OFFICERS.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 30 on page 5 through line 13 on page 6, inclusive, and substitute:

“(2) THE POLICY SHALL PROHIBIT THE PRACTICE OF USING AN INDIVIDUAL’S RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO INITIATE A TRAFFIC STOP. HOWEVER, 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 JUSTICE ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.”.

AMENDMENT NO. 11

On page 6, in line 14, strike “(F)” and substitute “(H) (1)”; in the same line, after “THE” insert “REPORTING”; and strike beginning with “GOVERNOR” in line 15 down through “AGENCY” in line 16 and substitute “MARYLAND JUSTICE ANALYSIS CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION.”

“(2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

“(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION, THE MARYLAND JUSTICE ANALYSIS CENTER AND POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.”.

AMENDMENT NO. 12

On page 6, in line 17, after “That” insert “beginning January 1, 2001, data shall be collected under Section 1 of this Act through December 31, 2005, and the Maryland Justice Analysis Center”

shall issue a final report before September 1, 2006.

SECTION 3. AND BE IT FURTHER ENACTED, That"; in line 18, strike "October" and substitute "July"; and in the same line, after "2000.", insert "It shall remain effective for a period of 6 years and 2 months and, at the end of August 31, 2006, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".