

HOUSE BILL 225

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E4

2000 Regular Session  
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By: **Delegates Rawlings, Gladden, Petzold, Branch, Leopold, Taylor, R. Baker, Benson, Billings, Bobo, Boschert, Brinkley, Bronrott, Brown, Burns, Cadden, Cane, Clagett, Cole, Cryor, D'Amato, C. Davis, D. Davis, Dobson, Doory, Dypski, Franchot, Fulton, Griffith, Grosfeld, Harrison, Healey, Hecht, Hill, Hixson, Howard, A. Jones, V. Jones, Kagan, Kirk, Kopp, Marriott, McIntosh, Menes, Montague, Morhaim, Nathan-Pulliam, Oaks, Owings, Paige, Patterson, Phillips, Pitkin, Proctor, Rosenberg, Shriver, Swain, Turner, Valderrama, Vallario, and Zirkin**

Introduced and read first time: January 24, 2000  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers - Vehicle Laws - Race-Based Traffic Stops**

3 FOR the purpose of requiring that information concerning an individual's race be  
4 included on driver's licenses; requiring law enforcement agencies to report  
5 certain information under certain circumstances; requiring the Attorney  
6 General to report to the General Assembly and the Governor on or before a  
7 certain date; requiring law enforcement agencies to adopt certain policies  
8 regarding race-based traffic stops; authorizing the Governor to withhold State  
9 funds from law enforcement agencies; and generally relating to motor vehicle  
10 law enforcement procedures.

11 BY repealing and reenacting, with amendments,  
12 Article - Transportation  
13 Section 16-111.1  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 1999 Supplement)

16 BY adding to  
17 Article - Transportation  
18 Section 25-113  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 1999 Supplement)

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

**Article - Transportation**

16-111.1.

(a) An applicant is entitled to receive the driver's license applied for if the applicant:

- (1) Passes the examination provided for in this subtitle;
- (2) Surrenders the last learner's instructional permit issued to him, if any; and
- (3) Pays the fees provided for by this subtitle.

(b) (1) This subsection applies to an applicant who holds a provisional license under § 16-111 of this subtitle.

(2) An applicant is entitled to receive a license if the applicant:

- (i) Meets the minimum age required under § 16-103(c)(3) of this subtitle;
- (ii) Satisfies the provisional license requirements under § 16-111(d) or (e) of this subtitle;
- (iii) Surrenders any provisional license issued to the applicant; and
- (iv) Pays the fee established under this subtitle.

(c) (1) Each license issued by the Administration shall be identified clearly as to its specific class. A Class M license may be issued in combination with any one of the other classes.

(2) The Administration shall assign an identifying number to each license it issues.

(3) To the extent provided by federal law, the Administration may use a driver's Social Security number as an identifying number for a driver's license.

(d) Each noncommercial Class A, B, C, or M license issued by the Administration:

- (1) Shall be of the size, design, and content that the Administration specifies;
- (2) Shall include:
  - (i) The name and residence address of the licensee;
  - (ii) The date of birth of the licensee;

1 (iii) A description of the licensee, which shall include the height,  
2 weight, and sex of the licensee;

3 (IV) A CODE IDENTIFYING THE RACE OF THE LICENSEE, AS  
4 IDENTIFIED BY THE LICENSEE;

5 [(iv)] (V) The type or class of vehicles that the license authorizes  
6 the licensee to drive;

7 [(v)] (VI) The signature and seal of the issuing agent; and

8 [(vi)] (VII) A space for the signature of the licensee; and

9 (3) Shall include:

10 (i) If the licensee is under the age of 21 years, a profile photograph  
11 of the licensee; or

12 (ii) If the licensee is at least 21 years old, a frontal photograph of  
13 the licensee.

14 (e) (1) A license is not valid unless the licensee signs the license in the  
15 licensee's usual signature.

16 (2) When issued and signed, a driver's license authorizes the licensee to  
17 drive any vehicle of the type or class specified on it, subject to any restrictions  
18 endorsed on the license.

19 (f) (1) Only one current driver's license may be issued by the  
20 Administration to and held by any individual at any one time.

21 (2) Before issuing a license, the Administration shall require the  
22 applicant to surrender any other license issued to the applicant by any jurisdiction.

23 25-113.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED:

26 (2) "LAW ENFORCEMENT AGENCY" MEANS:

27 (I) THE DEPARTMENT OF STATE POLICE;

28 (II) THE BALTIMORE CITY POLICE DEPARTMENT;

29 (III) THE POLICE DEPARTMENT, BUREAU, OR FORCE OF ANY  
30 COUNTY;

31 (IV) THE POLICE DEPARTMENT, BUREAU, OR FORCE OF ANY  
32 INCORPORATED CITY OR TOWN;

1 (V) THE OFFICE OF THE SHERIFF OF ANY COUNTY;

2 (VI) THE POLICE DEPARTMENT, BUREAU, OR FORCE OF ANY  
3 BICOUNTY AGENCY OR THE UNIVERSITY OF MARYLAND;

4 (VII) THE MASS TRANSIT ADMINISTRATION POLICE FORCE OF THE  
5 DEPARTMENT OF TRANSPORTATION AND THE MARYLAND TRANSPORTATION  
6 AUTHORITY POLICE FORCE;

7 (VIII) THE POLICE OFFICERS OF THE DEPARTMENT OF NATURAL  
8 RESOURCES;

9 (IX) THE CROFTON POLICE DEPARTMENT; AND

10 (X) ANY OTHER STATE OR LOCAL AGENCY AUTHORIZED TO  
11 ENFORCE THE MARYLAND VEHICLE LAW.

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

15 (4) "MINORITY GROUP" MEANS INDIVIDUALS OF AFRICAN, HISPANIC,  
16 AMERICAN INDIAN, OR ASIAN DESCENT.

17 (B) EACH TIME A LAW ENFORCEMENT OFFICER STOPS A DRIVER OF A MOTOR  
18 VEHICLE FOR A VIOLATION OF THE MARYLAND VEHICLE LAW, THAT OFFICER SHALL  
19 REPORT THE FOLLOWING INFORMATION TO THE LAW ENFORCEMENT AGENCY THAT  
20 EMPLOYS THE OFFICER:

21 (1) THE AGE, GENDER, AND RACE OR MINORITY GROUP OF THE  
22 INDIVIDUAL STOPPED;

23 (2) THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE BEEN  
24 COMMITTED THAT LED TO THE STOP;

25 (3) WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE STOP;

26 (4) IF A SEARCH WAS CONDUCTED, WHETHER THE INDIVIDUAL  
27 CONSENTED TO THE SEARCH, THE PROBABLE CAUSE FOR THE SEARCH, WHETHER  
28 THE PERSON WAS SEARCHED, WHETHER THE PERSON'S PROPERTY WAS SEARCHED,  
29 AND THE DURATION OF THE SEARCH;

30 (5) WHETHER ANY CONTRABAND WAS DISCOVERED IN THE COURSE OF  
31 THE SEARCH AND THE TYPE OF ANY CONTRABAND DISCOVERED;

32 (6) WHETHER ANY WARNING OR CITATION WAS ISSUED AS A RESULT OF  
33 THE STOP;

34 (7) IF A WARNING OR CITATION WAS ISSUED, THE VIOLATION CHARGED  
35 OR WARNING PROVIDED;

1 (8) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER THE STOP  
2 OR THE SEARCH;

3 (9) IF AN ARREST WAS MADE, THE CRIME CHARGED; AND

4 (10) THE LOCATION OF THE STOP.

5 (C) (1) A LAW ENFORCEMENT AGENCY SHALL COMPILE THE DATA  
6 DESCRIBED IN SUBSECTION (B) OF THIS SECTION FOR THE CALENDAR YEAR INTO A  
7 REPORT TO THE ATTORNEY GENERAL.

8 (2) A LAW ENFORCEMENT AGENCY SHALL SUBMIT THE REPORT TO THE  
9 ATTORNEY GENERAL NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR  
10 YEAR.

11 (3) THE ATTORNEY GENERAL SHALL DETERMINE THE FORMAT THAT  
12 EACH LAW ENFORCEMENT AGENCY SHALL USE TO SUBMIT THE REPORT.

13 (D) (1) THE ATTORNEY GENERAL SHALL ANALYZE THE ANNUAL REPORTS  
14 OF LAW ENFORCEMENT AGENCIES REQUIRED BY SUBSECTION (A) OF THIS SECTION  
15 AND SUBMIT A REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL  
16 ASSEMBLY AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND  
17 EACH LAW ENFORCEMENT AGENCY NO LATER THAN JUNE 1 OF EACH YEAR.

18 (2) THE REPORT OF THE ATTORNEY GENERAL SHALL INCLUDE AT LEAST  
19 THE FOLLOWING INFORMATION FOR EACH AGENCY:

20 (I) THE TOTAL NUMBER OF VEHICLES STOPPED BY LAW  
21 ENFORCEMENT OFFICERS DURING THE PREVIOUS CALENDAR YEAR;

22 (II) THE NUMBER AND PERCENTAGE OF STOPPED MOTOR  
23 VEHICLES THAT WERE DRIVEN BY MEMBERS OF EACH PARTICULAR MINORITY  
24 GROUP; AND

25 (III) A COMPARISON OF THE PERCENTAGE OF STOPPED MOTOR  
26 VEHICLES DRIVEN BY EACH MINORITY GROUP AND THE PERCENTAGE OF THE  
27 STATE'S POPULATION THAT EACH MINORITY GROUP COMPRISES.

28 (E) A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY ON RACE-BASED  
29 TRAFFIC STOPS THAT:

30 (1) PROHIBITS THE PRACTICE OF ROUTINELY STOPPING MEMBERS OF  
31 MINORITY GROUPS FOR VIOLATIONS OF VEHICLE LAWS AS A PRETEXT FOR  
32 INVESTIGATING OTHER VIOLATIONS OF CRIMINAL LAW;

33 (2) PROVIDES FOR PERIODIC REVIEWS BY THE LAW ENFORCEMENT  
34 AGENCY OF THE ANNUAL REPORT OF THE ATTORNEY GENERAL REQUIRED BY  
35 SUBSECTION (D) OF THIS SECTION THAT:

1 (I) DETERMINE WHETHER ANY LAW ENFORCEMENT OFFICERS OF  
2 THE LAW ENFORCEMENT AGENCY HAVE A PATTERN OF STOPPING MEMBERS OF  
3 MINORITY GROUPS FOR VIOLATIONS OF VEHICLE LAWS IN A NUMBER  
4 DISPROPORTIONATE TO THE POPULATION OF MINORITY GROUPS LIVING WITHIN  
5 THE JURISDICTION OF THE LAW ENFORCEMENT AGENCY; AND

6 (II) IF THE REVIEW REVEALS A PATTERN, REQUIRE AN  
7 INVESTIGATION TO DETERMINE WHETHER ANY LAW ENFORCEMENT OFFICERS OF  
8 THE LAW ENFORCEMENT AGENCY ROUTINELY STOP MEMBERS OF MINORITY  
9 GROUPS FOR VIOLATIONS OF VEHICLE LAWS AS A PRETEXT FOR INVESTIGATING  
10 OTHER VIOLATIONS OF CRIMINAL LAW; AND

11 (3) PROVIDES FOR APPROPRIATE COUNSELING AND TRAINING OF ANY  
12 LAW ENFORCEMENT OFFICER FOUND TO HAVE ENGAGED IN RACE-BASED TRAFFIC  
13 STOPS WITHIN 90 DAYS OF THE REVIEW.

14 (F) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE  
15 PROVISIONS OF THIS SECTION, THE GOVERNOR MAY WITHHOLD ANY STATE FUNDS  
16 APPROPRIATED TO THE NONCOMPLIANT LAW ENFORCEMENT AGENCY.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2000.