

SENATE BILL 110

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SB 430/99 - JPR

2000 Regular Session
0lr0639

By: **Senators Ruben, Forehand, Mitchell, Lawlah, McFadden, and Hughes**
Introduced and read first time: January 17, 2000
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 5, 2000

CHAPTER _____

1 AN ACT concerning

2 **Task Force to Study ~~Stops for Routine Traffic Violations~~ Race-Based Traffic**
3 **Stops**

4 FOR the purpose of establishing a Task Force to Study ~~Stops for Routine Traffic~~
5 ~~Violations~~ Race-Based Traffic Stops; specifying the membership and duties of
6 the Task Force; prohibiting the inclusion of certain information in the data
7 collected by the Task Force; providing for the use of certain data collected by the
8 Task Force; requiring certain law enforcement agencies to provide certain
9 information to the Task Force under certain circumstances; prohibiting certain
10 uses of the data collected by the Task Force; requiring the Task Force to report
11 to the Governor on or before a certain date; and generally relating to the
12 establishment of a Task Force to Study ~~Stops for Routine Traffic Violations~~
13 Race-Based Traffic Stops.

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That:

16 (a) There is a Task Force to Study ~~Stops for Routine Traffic Violations~~
17 Race-Based Traffic Stops.

18 (b) The Task Force consists of the following ~~15~~ 17 members:

19 (1) Two members appointed by the Governor;

20 (2) Two members appointed by the Attorney General;

21 (3) Two members appointed by the Secretary of the State Police, one of
22 whom shall be a member of the Coalition of Black Maryland State Troopers;

1 (4) Two members who are local law enforcement officers, one nominated
2 by the Maryland Chiefs of Police Association and appointed by the Governor and one
3 nominated by the Maryland Sheriffs Association and appointed by the Governor;

4 (5) One member nominated by the Maryland State Conference of
5 Branches of the National Association for the Advancement of Colored People, and
6 appointed by the Governor;

7 (6) One member nominated by the Maryland Criminal Defense
8 Attorneys' Association, and appointed by the Governor;

9 (7) One member nominated by the Maryland State's Attorneys'
10 Association and appointed by the Governor; ~~and~~

11 (8) Four citizens who are residents of and registered voters in the State
12 who represent the rich ethnic, gender, and regional diversity that is encompassed
13 within the State, appointed by the Governor;

14 (9) One member of the House of Delegates, appointed by the Speaker of
15 the House; and

16 (10) One member of the Senate of Maryland, appointed by the President
17 of the Senate.

18 (c) The Governor shall designate the Chairman of the Task Force.

19 (d) The Task Force staff shall be provided by the Attorney General's office.

20 (e) Members of the Task Force shall serve without compensation except that
21 the members may be reimbursed for expenses under the Standard State Travel
22 Regulations, as provided in the State budget.

23 (f) This Task Force shall study:

24 (1) The number of individuals stopped for routine traffic violations;

25 (2) The identifying characteristics of the individual stopped, including
26 age, race, or ethnicity;

27 (3) The traffic violations alleged to have been committed that led to the
28 stop;

29 (4) Whether a search was instituted as a result of the stop;

30 (5) If a search was instituted, how the search was conducted and the
31 probable cause for the search;

32 (6) Whether any contraband was discovered in the course of the search
33 and the nature of the contraband;

34 (7) Whether any warning or citation was issued as a result of the stop;

1 (8) Whether an arrest was made as a result of either the stop or the
2 search;

3 (9) The benefit of traffic stops with regard to the interdiction of drugs
4 and the proceeds of drug trafficking, including the approximate quantity of drugs and
5 value of drug proceeds seized on an annual basis as a result of routine traffic stops;
6 and

7 (10) Any other appropriate issues relating to individuals stopped for
8 routine traffic violations.

9 (g) A law enforcement agency defined under Article 27, § 727(b) of the
10 Annotated Code of Maryland may provide, to the extent practicable and to the extent
11 not in conflict with any laws of the State, information described under subsection (f)
12 of this section to the Task Force, provided that the information may not contain any
13 information that may reveal the identity of any individual who is stopped or any law
14 enforcement officer.

15 ~~(g)~~ (h) Data acquired by the Task Force may be used only for:

16 (1) research or statistical purposes and may not contain any information
17 that may reveal the identity of any individual who is stopped or any law enforcement
18 officer; and

19 (2) developing any recommendations from the Task Force which
20 encourage law enforcement agencies to adopt policies against race-based traffic stops
21 to be used as management tools to promote nondiscriminatory law enforcement and
22 in the training and counseling of law enforcement officers.

23 ~~(h)~~ (i) Data acquired by the Task Force may not be used in any legal or
24 administrative proceeding to establish an inference of discrimination on the basis of
25 particular identifying characteristics.

26 ~~(i)~~ (j) The Task Force shall report the results of the study conducted under
27 this section to the Governor by October 1, 2001.

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