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By: **Delegates Gladden, Branch, Rawlings, and Petzold, the Speaker**
    (Administration), and Delegates R. Baker, Barve, Benson, Bobo,
    Boschert, Bronrott, Brown, Burns, Carlson, Clagett, Cole, Cryor,
    D'Amato, C. Davis, D. Davis, DeCarlo, Dobson, Doory, Finifter,
    Giannetti, Griffith, Grosfeld, Harrison, Healey, Hecht, Hill, Hixson,
    Howard, Hubbard, A. Jones, V. Jones, Kagan, Kirk, Leopold, Mandel,
    Marriott, McIntosh, Menes, Montague, Morhaim, Nathan-Pulliam,
    Oaks, Paige, Patterson, Phillips, Pitkin, Proctor, Shriver, Swain,
    Turner, ~~and Zirkin~~ Zirkin, Amedori, Baldwin, Bartlett, Brinkley, Dypski,
    Eckardt, Edwards, Elliott, Flanagan, Getty, Glassman, Kach, Kittleman,
    Klima, La Vay, Malone, McKee, Parrott, Riley, Rzepkowski, Schisler,
    Shank, Sophocleus, Stocksdale, and Stull
Introduced and read first time: January 26, 2001
Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 27, 2001

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CHAPTER_____

1 AN ACT concerning

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

3 FOR the purpose of requiring certain law enforcement officers to record certain
4   information pertaining to traffic stops; requiring certain law enforcement
5   agencies to report certain information to the Maryland Justice Analysis Center
6   (MJAC); requiring the Police Training Commission to develop a certain ~~form~~
7   format and guidelines and a standardized format for the reporting of certain
8   data; requiring the Police Training Commission to develop a certain model
9   policy; requiring the MJAC to analyze certain data based on a methodology
10   developed in conjunction with the Police Training Commission; requiring the
11   MJAC to make certain reports to the General Assembly, the Governor, and law
12   enforcement agencies; requiring law enforcement agencies to adopt certain
13   policies regarding race-based traffic stops for certain purposes; providing for
14   the phasing in of certain requirements; requiring the MJAC to report to the
15   Police Training Commission law enforcement agencies that fail to comply with
16   certain reporting requirements; requiring specified actions following a report on
17   the failure of a law enforcement agency to comply; providing certain exceptions

1   applicable to law enforcement agencies that have entered into certain
2   agreements; defining certain terms; <u>requiring the Governor to appropriate</u>
3   <u>certain funding in certain fiscal years to assist local law enforcement agencies to</u>
4   <u>implement certain provisions of this Act;</u> providing for the termination of this
5   Act; and generally relating to law enforcement procedures and traffic stops.

6 BY adding to
7   Article - Transportation
8   Section 25-113
9   Annotated Code of Maryland
10   (1999 Replacement Volume and 2000 Supplement)

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

13   **Article - Transportation**

14 25-113.

15   (A)   (1)   IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17   (2)   "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY THAT IS LISTED
18 IN ARTICLE 27, § 727(B) OF THE CODE AND THAT, IN ACCORDANCE WITH SUBSECTION
19 (C) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS SECTION.

20   (3)   "LAW ENFORCEMENT OFFICER" MEANS ANY PERSON WHO, IN AN
21 OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN
22 EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS SECTION.

23   (4)   "MARYLAND JUSTICE ANALYSIS CENTER" MEANS THE CENTER
24 OPERATED BY THE DEPARTMENT OF CRIMINOLOGY AND CRIMINAL JUSTICE AT THE
25 UNIVERSITY OF MARYLAND, COLLEGE PARK.

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

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

33   (II)   "TRAFFIC STOP" DOES NOT INCLUDE:

34   1.   A CHECKPOINT OR ROADBLOCK STOP;

1   2.   A STOP OF MULTIPLE VEHICLES DUE TO A TRAFFIC
2 ACCIDENT OR EMERGENCY SITUATION REQUIRING THE STOPPING OF VEHICLES FOR
3 PUBLIC SAFETY PURPOSES; OR

4   3.   A STOP BASED ON THE USE OF RADAR, LASER, OR VASCAR
5 TECHNOLOGY.

6   (B)   THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE
7 MARYLAND JUSTICE ANALYSIS CENTER, SHALL DEVELOP:

8   (1)   ~~A UNIFORM FORM DESIGNED TO ALLOW THE RECORDING OF DATA~~
9 ~~REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IN AN EFFICIENT MANNER~~
10 ~~THAT EACH LAW ENFORCEMENT AGENCY SHALL REQUIRE ITS OFFICERS TO USE FOR~~
11 ~~DATA COLLECTION PURPOSES~~ A MODEL FORMAT FOR THE EFFICIENT RECORDING
12 OF DATA REQUIRED UNDER SUBSECTION (D) OF THIS SECTION ON AN ELECTRONIC
13 DEVICE, OR BY ANY OTHER MEANS, FOR USE BY A LAW ENFORCEMENT AGENCY;

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

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

20   (4)   ON OR BEFORE JULY 1, 2002, A MODEL POLICY AGAINST RACE-BASED
21 TRAFFIC STOPS THAT A LAW ENFORCEMENT AGENCY COVERED UNDER SUBSECTION
22 (C)(1) OF THIS SECTION CAN USE IN DEVELOPING ITS POLICY IN ACCORDANCE WITH
23 SUBSECTION (G) OF THIS SECTION.

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

26   (I)   ON JANUARY 1, 2002, HAS 100 OR MORE LAW ENFORCEMENT
27 OFFICERS;

28   (II)   ON JANUARY 1, 2003, HAS 50 OR MORE LAW ENFORCEMENT
29 OFFICERS; AND

30   (III)   ON JANUARY 1, 2004, HAS 1 OR MORE LAW ENFORCEMENT
31 OFFICERS.

32   (2)   EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THIS
33 SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT, ON OR BEFORE
34 JULY 1, 2001, HAS ENTERED INTO AN AGREEMENT WITH THE UNITED STATES
35 DEPARTMENT OF JUSTICE THAT REQUIRES IT TO COLLECT DATA ON THE RACE OR
36 ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.

37   (D)   EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP, THAT
38 OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW

1 ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE ~~FORM~~ FORMAT
2 DEVELOPED BY THE LAW ENFORCEMENT AGENCY UNDER SUBSECTION (B)(1) OF
3 THIS SECTION:

4   (1)   THE DATE, LOCATION, AND THE TIME OF THE STOP;

5   (2)   THE APPROXIMATE DURATION OF THE STOP;

6   (3)   THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE BEEN
7 COMMITTED THAT LED TO THE STOP;

8   (4)   WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE STOP;

9   (5)   IF A SEARCH WAS CONDUCTED, THE REASON FOR THE SEARCH,
10 WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL, WHETHER THE
11 PERSON WAS SEARCHED, AND WHETHER THE PERSON'S PROPERTY WAS SEARCHED;

12   (6)   WHETHER ANY CONTRABAND OR OTHER PROPERTY WAS SEIZED IN
13 THE COURSE OF THE SEARCH;

14   (7)   WHETHER A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR
15 CITATION WAS ISSUED AS A RESULT OF THE STOP;

16   (8)   IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION
17 WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY EQUIPMENT REPAIR
18 ORDER, OR CITATION;

19   (9)   WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER THE STOP
20 OR THE SEARCH;

21   (10)   IF AN ARREST WAS MADE, THE CRIME CHARGED;

22   (11)   THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;

23   (12)   THE GENDER OF THE DRIVER;

24   (13)   THE DATE OF BIRTH OF THE DRIVER;

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

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

28   (I)   ASIAN;

29   (II)   BLACK;

30   (III)   HISPANIC;

31   (IV)   WHITE; OR

1   (V)   OTHER.

2   (E)   (1)   A LAW ENFORCEMENT AGENCY SHALL:

3   (I)   COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF THIS
4   SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER
5   SUBSECTION (B)(3) OF THIS SECTION; AND

6   (II)   SUBMIT THE REPORT TO THE MARYLAND JUSTICE ANALYSIS
7   CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR YEAR.

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

13   (F)   (1)   THE MARYLAND JUSTICE ANALYSIS CENTER SHALL ANALYZE THE
14 ANNUAL REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER
15 SUBSECTION (E) OF THIS SECTION BASED ON A METHODOLOGY DEVELOPED IN
16 CONSULTATION WITH THE POLICE TRAINING COMMISSION.

17   (2)   THE MARYLAND JUSTICE ANALYSIS CENTER SHALL SUBMIT A
18 REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL ASSEMBLY AS
19 PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW
20 ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.

21   (G)   (1)   A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY AGAINST
22 RACE-BASED TRAFFIC STOPS THAT IS TO BE USED AS A MANAGEMENT TOOL TO
23 PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND IN THE TRAINING AND
24 COUNSELING OF ITS OFFICERS.

25   (2)   THE POLICY SHALL PROHIBIT THE PRACTICE OF USING AN
26 INDIVIDUAL'S RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO INITIATE A
27 TRAFFIC STOP. HOWEVER, THE POLICY SHALL MAKE CLEAR THAT IT MAY NOT BE
28 CONSTRUED TO ALTER THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO MAKE
29 AN ARREST, CONDUCT A SEARCH OR SEIZURE, OR OTHERWISE FULFILL THE
30 OFFICER'S LAW ENFORCEMENT OBLIGATIONS.

31   (3)   THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT AGENCY
32 TO PERIODICALLY REVIEW DATA COLLECTED BY ITS OFFICERS UNDER SUBSECTION
33 (D) OF THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE MARYLAND
34 JUSTICE ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.

35   (H)   (1)   IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
36 REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND JUSTICE ANALYSIS
37 CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING
38 COMMISSION.

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

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

10   SECTION 2. AND BE IT FURTHER ENACTED, That in order to assist local
11 government law enforcement agencies to implement the data collection and reporting
12 provisions of this Act, the Governor shall:

13   (1)   provide for a deficiency appropriation in the State budget for fiscal
14 year 2002; and

15   (2)   appropriate moneys in the State budget for fiscal years 2003 through
16 2006.

17   SECTION 2. 3. AND BE IT FURTHER ENACTED, That, beginning January 1,
18 2002, data shall be collected under Section 1 of this Act through December 31, 2006,
19 and the Maryland Justice Analysis Center shall issue a final report on or before
20 August 31, 2007.

21   SECTION 3. 4. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect July 1, 2001. It shall remain effective for a period of 6 years and 2 months and,
23 at the end of August 31, 2007, with no further action required by the General
24 Assembly, this Act shall be abrogated and of no further force and effect.