

SENATE BILL 208

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HB 225/00 - CGM

2001 Regular Session
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By: **The President (Administration) and Senators Blount, Conway, Currie, Exum, Forehand, Frosh, Green, Hoffman, Hollinger, Hughes, Kelley, Lawlah, McFadden, Mitchell, Pinsky, Ruben, Teitelbaum, ~~and Van Hollen~~ Van Hollen, Harris, Jimeno, Mooney, and Sfikas**

Introduced and read first time: January 22, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2001

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
18 applicable to law enforcement agencies that have entered into certain
19 agreements; defining certain terms; requiring the Governor to appropriate
20 certain funding in certain fiscal years to assist local law enforcement agencies to
21 implement certain provisions of this Act; providing for the termination of this
22 Act; and generally relating to law enforcement procedures and traffic stops.

23 BY adding to
24 Article - Transportation

1 Section 25-113
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2000 Supplement)

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

6 **Article - Transportation**

7 25-113.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

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

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

16 (4) "MARYLAND JUSTICE ANALYSIS CENTER" MEANS THE CENTER
17 OPERATED BY THE DEPARTMENT OF CRIMINOLOGY AND CRIMINAL JUSTICE AT THE
18 UNIVERSITY OF MARYLAND, COLLEGE PARK.

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

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

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

27 1. A CHECKPOINT OR ROADBLOCK STOP;

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

31 3. A STOP BASED ON THE USE OF RADAR, LASER, OR VASCAR
32 TECHNOLOGY.

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

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

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

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

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

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

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

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

23 (III) ON JANUARY 1, 2004, HAS 1 OR MORE LAW ENFORCEMENT
24 OFFICERS.

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

30 (D) EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP, THAT
31 OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW
32 ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE FORM FORMAT
33 DEVELOPED BY THE LAW ENFORCEMENT AGENCY UNDER SUBSECTION (B)(1) OF
34 THIS SECTION:

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

36 (2) THE APPROXIMATE DURATION OF THE STOP;

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

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

2 (5) IF A SEARCH WAS CONDUCTED, THE REASON FOR THE SEARCH,
3 WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL, WHETHER THE
4 PERSON WAS SEARCHED, AND WHETHER THE PERSON'S PROPERTY WAS SEARCHED;

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

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

9 (8) IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION
10 WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY EQUIPMENT REPAIR
11 ORDER, OR CITATION;

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

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

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

16 (12) THE GENDER OF THE DRIVER;

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

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

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

21 (I) ASIAN;

22 (II) BLACK;

23 (III) HISPANIC;

24 (IV) WHITE; OR

25 (V) OTHER.

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

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

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

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

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

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

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

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

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

28 (H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
29 REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND JUSTICE ANALYSIS
30 CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING
31 COMMISSION.

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

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

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

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

6 (2) appropriate moneys in the State budget for fiscal years 2003 through
7 2006.

8 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That, beginning January 1,
9 2002, data shall be collected under Section 1 of this Act through December 31, 2006,
10 and the Maryland Justice Analysis Center shall issue a final report on or before
11 August 31, 2007.

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