
By: **Delegates Valderrama, Howard, Brown, Patterson, and Hill**
Introduced and read first time: February 8, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers - Racial Profiling**

3 FOR the purpose of prohibiting a law enforcement officer from engaging in racial
4 profiling that involves the use of an individual's racial or ethnic status as the
5 sole factor in detaining, interdicting, or giving other disparate treatment to the
6 individual, in determining the existence of probable cause for a certain reason,
7 or in constituting the basis for a certain detention or investigatory stop; creating
8 certain civil penalties; authorizing certain suits to be brought by certain
9 persons; and generally relating to racial profiling.

10 BY adding to
11 Article 27 - Crimes and Punishments
12 Section 734E
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2001 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 734E.

19 (A) IN THIS SECTION, "RACIAL PROFILING" MEANS THE USE OF AN
20 INDIVIDUAL'S RACIAL OR ETHNIC STATUS AS THE SOLE FACTOR IN DETAINING,
21 INTERDICTING, OR GIVING OTHER DISPARATE TREATMENT TO THE INDIVIDUAL,
22 INCLUDING:

23 (1) DETERMINING THE EXISTENCE OF PROBABLE CAUSE TO PLACE IN
24 CUSTODY OR ARREST THE INDIVIDUAL; AND

25 (2) CONSTITUTING REASONABLE AND ARTICULABLE SUSPICION THAT
26 AN OFFENSE HAS BEEN OR IS BEING COMMITTED SO AS TO JUSTIFY THE DETENTION
27 OF THE INDIVIDUAL OR THE INVESTIGATORY STOP OF A MOTOR VEHICLE.

28 (B) A LAW ENFORCEMENT OFFICER MAY NOT ENGAGE IN RACIAL PROFILING.

1 (C) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS SUBJECT
2 TO:

3 (1) FOR A FIRST OR SECOND OFFENSE:

4 (I) A CIVIL PENALTY NOT EXCEEDING \$1,000;

5 (II) SUSPENSION WITHOUT PAY NOT EXCEEDING 3 MONTHS; OR

6 (III) MANDATORY ATTENDANCE AT A COMMUNITY SENSITIVITY
7 TRAINING PROGRAM APPROVED BY THE DIVISION OF PAROLE AND PROBATION; AND

8 (2) FOR A THIRD OR SUBSEQUENT OFFENSE, TERMINATION OF
9 EMPLOYMENT.

10 (D) NOTWITHSTANDING ANY OTHER LAW, INCLUDING THE MARYLAND TORT
11 CLAIMS ACT AND THE LOCAL GOVERNMENT TORT CLAIMS ACT, AN INDIVIDUAL WHO
12 IS INJURED BY AN ACTION PROHIBITED UNDER THIS SECTION MAY BRING AN
13 ACTION AGAINST A LAW ENFORCEMENT OFFICER AND THE LAW ENFORCEMENT
14 OFFICER'S EMPLOYER FOR COMPENSATORY AND PUNITIVE DAMAGES.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2002.