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By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: January 26, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Race-Based Traffic Stops - Sunset Extension and Reporting**  
3 **Requirements**

4 FOR the purpose of extending the termination date for certain provisions of law  
5 concerning the collection, analysis, and reporting of certain information relating  
6 to traffic stops; extending the period of time during which law enforcement  
7 officers must record and report to the Maryland Justice Analysis Center certain  
8 information relating to traffic stops; extending the period of time during which  
9 the Maryland Justice Analysis Center must analyze and report on information  
10 relating to certain traffic stops; extending the deadline for the Maryland Justice  
11 Analysis Center to issue a final report; and generally relating to information  
12 relating to traffic stops.

13 BY repealing and reenacting, without amendments,  
14 Article - Transportation  
15 Section 25-113  
16 Annotated Code of Maryland  
17 (2002 Replacement Volume and 2005 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Chapter 343 of the Acts of the General Assembly of 2001  
20 Section 3 and 4

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

23 **Article - Transportation**

24 25-113.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Law enforcement agency" means an agency that is listed in §  
27 3-101(e) of the Public Safety Article and that, in accordance with subsection (c) of this  
28 section, is subject to the provisions of this section.

1 (3) "Law enforcement officer" means any person who, in an official  
2 capacity, is authorized by law to make arrests and who is an employee of a law  
3 enforcement agency that is subject to this section.

4 (4) "Maryland Justice Analysis Center" means the center operated by the  
5 Department of Criminology and Criminal Justice at the University of Maryland,  
6 College Park.

7 (5) "Police Training Commission" means the unit within the Department  
8 of Public Safety and Correctional Services established under § 3-202 of the Public  
9 Safety Article.

10 (6) (i) Subject to subparagraph (ii) of this paragraph, "traffic stop"  
11 means any instance when a law enforcement officer stops the driver of a motor vehicle  
12 and detains the driver for any period of time for a violation of the Maryland Vehicle  
13 Law.

14 (ii) "Traffic stop" does not include:

- 15 1. A checkpoint or roadblock stop;
- 16 2. A stop of multiple vehicles due to a traffic accident or  
17 emergency situation requiring the stopping of vehicles for public safety purposes; or
- 18 3. A stop based on the use of radar, laser, or vascar  
19 technology.

20 (b) The Police Training Commission, in consultation with the Maryland  
21 Justice Analysis Center, shall develop:

22 (1) A model format for the efficient recording of data required under  
23 subsection (d) of this section on an electronic device, or by any other means, for use by  
24 a law enforcement agency;

25 (2) Guidelines that each law enforcement agency may use as a  
26 management tool to evaluate data collected by its officers for use in counseling and  
27 improved training;

28 (3) A standardized format that each law enforcement agency shall use in  
29 reporting data to the Maryland Justice Analysis Center under subsection (e) of this  
30 section; and

31 (4) On or before July 1, 2002, a model policy against race-based traffic  
32 stops that a law enforcement agency covered under subsection (c)(1) of this section  
33 can use in developing its policy in accordance with subsection (g) of this section.

34 (c) (1) Subject to paragraph (2) of this subsection, this section applies to  
35 each law enforcement agency that:

36 (i) On January 1, 2002, has 100 or more law enforcement officers;

- 1 (ii) On January 1, 2003, has 50 or more law enforcement officers;  
2 and
- 3 (iii) On January 1, 2004, has 1 or more law enforcement officers.
- 4 (2) Except as provided in subsection (e)(2) of this section, this section  
5 does not apply to a law enforcement agency that, on or before July 1, 2001, has  
6 entered into an agreement with the United States Department of Justice that  
7 requires it to collect data on the race or ethnicity of the drivers of motor vehicles  
8 stopped.
- 9 (d) Each time a law enforcement officer makes a traffic stop, that officer shall  
10 report the following information to the law enforcement agency that employs the  
11 officer using the format developed by the law enforcement agency under subsection  
12 (b)(1) of this section:
- 13 (1) The date, location, and the time of the stop;
- 14 (2) The approximate duration of the stop;
- 15 (3) The traffic violation or violations alleged to have been committed  
16 that led to the stop;
- 17 (4) Whether a search was conducted as a result of the stop;
- 18 (5) If a search was conducted, the reason for the search, whether the  
19 search was consensual or nonconsensual, whether the person was searched, and  
20 whether the person's property was searched;
- 21 (6) Whether any contraband or other property was seized in the course of  
22 the search;
- 23 (7) Whether a warning, safety equipment repair order, or citation was  
24 issued as a result of the stop;
- 25 (8) If a warning, safety equipment repair order, or citation was issued,  
26 the basis for issuing the warning, safety equipment repair order, or citation;
- 27 (9) Whether an arrest was made as a result of either the stop or the  
28 search;
- 29 (10) If an arrest was made, the crime charged;
- 30 (11) The state in which the stopped vehicle is registered;
- 31 (12) The gender of the driver;
- 32 (13) The date of birth of the driver;
- 33 (14) The state and, if available on the driver's license, the county of  
34 residence of the driver; and

1 (15) The race or ethnicity of the driver as:

2 (i) Asian;

3 (ii) Black;

4 (iii) Hispanic;

5 (iv) White; or

6 (v) Other.

7 (e) (1) A law enforcement agency shall:

8 (i) Compile the data described in subsection (d) of this section for  
9 the calendar year as a report in the format required under subsection (b)(3) of this  
10 section; and

11 (ii) Submit the report to the Maryland Justice Analysis Center no  
12 later than March 1 of the following calendar year.

13 (2) A law enforcement agency that is exempt under subsection (c)(2) of  
14 this section shall submit to the Maryland Justice Analysis Center copies of reports it  
15 submits to the United States Department of Justice in lieu of the report required  
16 under paragraph (1) of this subsection.

17 (f) (1) The Maryland Justice Analysis Center shall analyze the annual  
18 reports of law enforcement agencies submitted under subsection (e) of this section  
19 based on a methodology developed in consultation with the Police Training  
20 Commission.

21 (2) The Maryland Justice Analysis Center shall submit a report of the  
22 findings to the Governor, the General Assembly as provided in § 2-1246 of the State  
23 Government Article, and each law enforcement agency before September 1 of each  
24 year.

25 (g) (1) A law enforcement agency shall adopt a policy against race-based  
26 traffic stops that is to be used as a management tool to promote nondiscriminatory  
27 law enforcement and in the training and counseling of its officers.

28 (2) The policy shall prohibit the practice of using an individual's race or  
29 ethnicity as the sole justification to initiate a traffic stop. However, the policy shall  
30 make clear that it may not be construed to alter the authority of a law enforcement  
31 officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's  
32 law enforcement obligations.

33 (3) The policy shall provide for the law enforcement agency to  
34 periodically review data collected by its officers under subsection (d) of this section  
35 and to review the annual report of the Maryland Justice Analysis Center for purposes  
36 of paragraph (1) of this subsection.

1 (h) (1) If a law enforcement agency fails to comply with the reporting  
2 provisions of this section, the Maryland Justice Analysis Center shall report the  
3 noncompliance to the Police Training Commission.

4 (2) The Police Training Commission shall contact the law enforcement  
5 agency and request that the agency comply with the required reporting provisions.

6 (3) If the law enforcement agency fails to comply with the required  
7 reporting provisions within 30 days after being contacted by the Police Training  
8 Commission, the Maryland Justice Analysis Center and the Police Training  
9 Commission jointly shall report the noncompliance to the Governor and the  
10 Legislative Policy Committee of the General Assembly.

11 **Chapter 343 of the Acts of 2001**

12 SECTION 3. AND BE IT FURTHER ENACTED, That, beginning January 1,  
13 2002, data shall be collected under Section 1 of this Act through [December 31, 2006]  
14 DECEMBER 31, 2010, and the Maryland Justice Analysis Center shall issue a final  
15 report on or before [August 31, 2007] AUGUST 31, 2011.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2001. It shall remain effective for a period of [6 years] 10 YEARS and 2 months  
18 and, at the end of [August 31, 2007] AUGUST 31, 2011, with no further action required  
19 by the General Assembly, this Act shall be abrogated and of no further force and  
20 effect.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2006.