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

Introduced and read first time: January 26, 2006

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2006

CHAPTER _____

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:

1 **Article - Transportation**

2 25-113.

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

4 (2) "Law enforcement agency" means an agency that is listed in §
5 3-101(e) of the Public Safety Article and that, in accordance with subsection (c) of this
6 section, is subject to the provisions of this section.

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

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

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

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

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

- 21 1. A checkpoint or roadblock stop;
- 22 2. A stop of multiple vehicles due to a traffic accident or
23 emergency situation requiring the stopping of vehicles for public safety purposes; or
- 24 3. A stop based on the use of radar, laser, or vascar
25 technology.

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

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

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

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

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

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

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

7 (ii) On January 1, 2003, has 50 or more law enforcement officers;
8 and

9 (iii) On January 1, 2004, has 1 or more law enforcement officers.

10 (2) Except as provided in subsection (e)(2) of this section, this section
11 does not apply to a law enforcement agency that, on or before July 1, 2001, has
12 entered into an agreement with the United States Department of Justice that
13 requires it to collect data on the race or ethnicity of the drivers of motor vehicles
14 stopped.

15 (d) Each time a law enforcement officer makes a traffic stop, that officer shall
16 report the following information to the law enforcement agency that employs the
17 officer using the format developed by the law enforcement agency under subsection
18 (b)(1) of this section:

19 (1) The date, location, and the time of the stop;

20 (2) The approximate duration of the stop;

21 (3) The traffic violation or violations alleged to have been committed
22 that led to the stop;

23 (4) Whether a search was conducted as a result of the stop;

24 (5) If a search was conducted, the reason for the search, whether the
25 search was consensual or nonconsensual, whether the person was searched, and
26 whether the person's property was searched;

27 (6) Whether any contraband or other property was seized in the course of
28 the search;

29 (7) Whether a warning, safety equipment repair order, or citation was
30 issued as a result of the stop;

31 (8) If a warning, safety equipment repair order, or citation was issued,
32 the basis for issuing the warning, safety equipment repair order, or citation;

33 (9) Whether an arrest was made as a result of either the stop or the
34 search;

35 (10) If an arrest was made, the crime charged;

- 1 (11) The state in which the stopped vehicle is registered;
- 2 (12) The gender of the driver;
- 3 (13) The date of birth of the driver;
- 4 (14) The state and, if available on the driver's license, the county of
5 residence of the driver; and
- 6 (15) The race or ethnicity of the driver as:
- 7 (i) Asian;
- 8 (ii) Black;
- 9 (iii) Hispanic;
- 10 (iv) White; or
- 11 (v) Other.
- 12 (e) (1) A law enforcement agency shall:
- 13 (i) Compile the data described in subsection (d) of this section for
14 the calendar year as a report in the format required under subsection (b)(3) of this
15 section; and
- 16 (ii) Submit the report to the Maryland Justice Analysis Center no
17 later than March 1 of the following calendar year.
- 18 (2) A law enforcement agency that is exempt under subsection (c)(2) of
19 this section shall submit to the Maryland Justice Analysis Center copies of reports it
20 submits to the United States Department of Justice in lieu of the report required
21 under paragraph (1) of this subsection.
- 22 (f) (1) The Maryland Justice Analysis Center shall analyze the annual
23 reports of law enforcement agencies submitted under subsection (e) of this section
24 based on a methodology developed in consultation with the Police Training
25 Commission.
- 26 (2) The Maryland Justice Analysis Center shall submit a report of the
27 findings to the Governor, the General Assembly as provided in § 2-1246 of the State
28 Government Article, and each law enforcement agency before September 1 of each
29 year.
- 30 (g) (1) A law enforcement agency shall adopt a policy against race-based
31 traffic stops that is to be used as a management tool to promote nondiscriminatory
32 law enforcement and in the training and counseling of its officers.
- 33 (2) The policy shall prohibit the practice of using an individual's race or
34 ethnicity as the sole justification to initiate a traffic stop. However, the policy shall

1 make clear that it may not be construed to alter the authority of a law enforcement
2 officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's
3 law enforcement obligations.

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

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

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

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

18

Chapter 343 of the Acts of 2001

19 SECTION 3. AND BE IT FURTHER ENACTED, That, beginning January 1,
20 2002, data shall be collected under Section 1 of this Act through [December 31, 2006]
21 DECEMBER 31, ~~2010~~ 2007, and the Maryland Justice Analysis Center shall issue a final
22 report on or before [August 31, 2007] AUGUST 31, ~~2011~~ 2008.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2001. It shall remain effective for a period of [6 years] ~~40~~ 7 YEARS and 2
25 months and, at the end of [August 31, 2007] AUGUST 31, ~~2011~~ 2008, with no further
26 action required by the General Assembly, this Act shall be abrogated and of no further
27 force and effect.

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