SENATE BILL 1027

E4 7lr3420

By: **Senator Gladden**
Constitutional Requirements Complied with for Introduction in the last 35 Days of
     Session
Introduced and read first time: March 13, 2007
Assigned to: Rules
Re-referred to: Judicial Proceedings, March 16, 2007

Committee Report: Favorable
Senate action: Adopted
Read second time: March 24, 2007

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   (2006 Replacement Volume and 2006 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**.
    [Brackets] indicate matter deleted from existing law.
    <u>Underlining</u> indicates amendments to bill.
    ~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by
    amendment.

1   BY repealing and reenacting, with amendments,
2   Chapter 343 of the Acts of the General Assembly of 2001, as amended by
3   Chapter 25 of the Acts of the General Assembly of 2006
4   Section 3 and 4

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

Article – Transportation

8   25–113.

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

10   (2)   "Law enforcement agency" means an agency that is listed in §
11   3–101(e) of the Public Safety Article and that, in accordance with subsection (c) of this
12   section, is subject to the provisions of this section.

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

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

19   (5)   "Police Training Commission" means the unit within the
20   Department of Public Safety and Correctional Services established under § 3–202 of
21   the Public Safety Article.

22   (6)   (i)   Subject to subparagraph (ii) of this paragraph, "traffic stop"
23   means any instance when a law enforcement officer stops the driver of a motor vehicle
24   and detains the driver for any period of time for a violation of the Maryland Vehicle
25   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 accident or
29   emergency situation requiring the stopping of vehicles for public safety purposes; or

1   3.   A stop based on the use of radar, laser, or vascar
2 technology.

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

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

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

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

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

17   (c)   (1)   Subject to paragraph (2) of this subsection, this section applies to
18 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 officers.

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

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

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

2   (2)   The approximate duration of the stop;

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

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

6   (5)   If a search was conducted, the reason for the search, whether the
7   search was consensual or nonconsensual, whether the person was searched, and
8   whether the person's property was searched;

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

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

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

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

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

18   (11)   The state in which the stopped vehicle is registered;

19   (12)   The gender of the driver;

20   (13)   The date of birth of the driver;

21   (14)   The state and, if available on the driver's license, the county of
22   residence of the driver; and

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

24   (i)   Asian;

25   (ii)   Black;

26   (iii)   Hispanic;

1   (iv)   White; or

2   (v)   Other.

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

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

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

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

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

17   (2)   The Maryland Justice Analysis Center shall submit a report of the
18 findings to the Governor, the General Assembly as provided in § 2–1246 of the State
19 Government Article, and each law enforcement agency before September 1 of each
20 year.

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

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

29   (3)   The policy shall provide for the law enforcement agency to
30 periodically review data collected by its officers under subsection (d) of this section and
31 to review the annual report of the Maryland Justice Analysis Center for purposes of
32 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, as amended by Chapter 25 of the Acts of 2006**

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, **[**2007**]**
14   **2009**, and the Maryland Justice Analysis Center shall issue a final report on or before
15   August 31, **[**2008**] 2010**.

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 **[**7**] 9** years and 2 months and, at
18   the end of August 31, **[**2008**] 2010**, with no further action required by the General
19   Assembly, this Act shall be abrogated and of no further force and effect.

20   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21   October 1, 2007.

Approved:

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                                                                    Governor.

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                                                        President of the Senate.

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                                            Speaker of the House of Delegates.