

HOUSE BILL 1420

R5

9lr0175

By: **Chair, Environmental Matters Committee (By Request – Departmental – State Police)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Reporting Race–Based Traffic Stops – Exception**

3 FOR the purpose of altering a certain definition of “traffic stop” for purposes of certain
4 reporting requirements concerning race–based traffic stops to exclude stops
5 based on the use of automated license plate recognition system technology; and
6 generally relating to race–based traffic stops and reporting requirements.

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 25–113(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 25–113(d) and (e)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2008 Supplement)

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

19 **Article – Transportation**

20 25–113.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (4) “Maryland Justice Analysis Center” means the center operated by
8 the Department of Criminology and Criminal Justice at the University of Maryland,
9 College Park.

10 (5) “Police Training Commission” means the unit within the
11 Department of Public Safety and Correctional Services established under § 3–202 of
12 the Public Safety Article.

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

17 (ii) “Traffic stop” does not include:

18 1. A checkpoint or roadblock stop;

19 2. A stop of multiple vehicles due to a traffic accident or
20 emergency situation requiring the stopping of vehicles for public safety purposes; or

21 3. A stop based on the use of radar, laser, [or] vascar,
22 **OR AUTOMATED LICENSE PLATE RECOGNITION SYSTEM** technology.

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

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

28 (2) The approximate duration of the stop;

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

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

- 1 (5) If a search was conducted, the reason for the search, whether the
2 search was consensual or nonconsensual, whether the person was searched, and
3 whether the person's property was searched;
- 4 (6) Whether any contraband or other property was seized in the course
5 of the search;
- 6 (7) Whether a warning, safety equipment repair order, or citation was
7 issued as a result of the stop;
- 8 (8) If a warning, safety equipment repair order, or citation was issued,
9 the basis for issuing the warning, safety equipment repair order, or citation;
- 10 (9) Whether an arrest was made as a result of either the stop or the
11 search;
- 12 (10) If an arrest was made, the crime charged;
- 13 (11) The state in which the stopped vehicle is registered;
- 14 (12) The gender of the driver;
- 15 (13) The date of birth of the driver;
- 16 (14) The state and, if available on the driver's license, the county of
17 residence of the driver; and
- 18 (15) The race or ethnicity of the driver as:
- 19 (i) Asian;
- 20 (ii) Black;
- 21 (iii) Hispanic;
- 22 (iv) White; or
- 23 (v) Other.
- 24 (e) (1) A law enforcement agency shall:
- 25 (i) Compile the data described in subsection (d) of this section
26 for the calendar year as a report in the format required under subsection (b)(3) of this
27 section; and
- 28 (ii) Submit the report to the Maryland Justice Analysis Center
29 no later than March 1 of the following calendar year.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.