

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 1420

(Chair, Environmental Matters Committee)(By Request -  
Departmental - State Police)

Environmental Matters

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Vehicle Laws - Reporting Race-Based Traffic Stops - Exception

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This departmental bill exempts those traffic stops made by law enforcement officers using automated license plate recognition system technology from race-based traffic stop State reporting requirements.

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Fiscal Summary

**State Effect:** None. Any change in State activities does not materially affect State finances.

**Local Effect:** None. Any change in local activities does not materially affect local government finances.

**Small Business Effect:** The Department of State Police (DSP) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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Analysis

**Current Law:** The State's law enforcement agencies must implement a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement. The policy must also be used in the training and counseling of officers. Law enforcement officers are required to record specified information in connection with each traffic stop, including the driver's race and ethnicity, to evaluate whether the Maryland Vehicle Law is being enforced in a nondiscriminatory manner. A "traffic stop" does not include (1) a checkpoint or roadblock stop; (2) a stop

for public safety purposes arising from a traffic accident or emergency situation; or (3) a stop based on the use of radar, laser, or Vascar technology.

Each law enforcement agency must compile the data collected by its officers and submit an annual report to the Maryland Justice Analysis Center (MJAC) by March 1 of each year reflecting the prior calendar year. MJAC is charged with analyzing the data based on a methodology developed in consultation with the Police Training Commission. By September 1 of each year, MJAC must issue a report to the Governor and the General Assembly as well as to each law enforcement agency.

The requirement for collection of traffic-stop data terminates December 31, 2009, with a final report issued by August 31, 2010.

**Background:** DSP advises that State law exempts traffic stops made through the use of radar, laser, or Vascar technology because the probable cause to justify the stop is based on unbiased electronic information. An officer using these technologies detains a driver based on machine readout. These tools allow multiple vehicles to be stopped at one time. Complying with race-based reporting requirements for these types of stops was deemed cumbersome, which is one of the reasons the General Assembly exempted them.

Law enforcement officials are beginning to use a new type of device called an Automated License Plate Recognition System or “tag scanner.” This device scans license plates and submits those plates to federal and State criminal justice databases to check for stolen vehicles and other types of violations. The tag scanner is attached to a police vehicle and connected to a mobile data computer. Tag scanners cannot identify a driver or any other passengers. The officer determines whether to stop the car based on the readout provided by the tag scanner and confirmation of the vehicle information. DSP advises that in 2008, over 81,000 vehicle scans took place, resulting in 488 citations, two recovered stolen vehicles, and identification of 21 stolen tags. The Maryland Vehicle Theft Task Force reported over 131 tag scans consequently resulting in arrests.

Like those traffic stops resulting from the use of laser, radar, or Vascar technology, DSP advises that compliance with race-based reporting requirements for tag scanner stops is cumbersome due to the magnitude of traffic stops that can be based on these automated devices.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police; Maryland Department of Transportation; Charles, Frederick, Montgomery, and Somerset counties; Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2009  
ncs/ljm

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Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510



ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vehicle Laws – Reporting Race – Based Traffic Stops - Exception

BILL NUMBER: HB 1420

PREPARED BY: Maryland State Police

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.