

# SENATE BILL 640

R6

4r2358  
CF 4r2194

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By: **Senators Raskin, Astle, Brinkley, Hershey, Jacobs, Klausmeier, Shank, and Stone**

Introduced and read first time: January 30, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Checkpoints – Prohibition on Targeting Motorcycles**

3 FOR the purpose of prohibiting a police officer at a motor vehicle checkpoint from  
4 targeting only motorcycles for inspection or evaluation; creating a certain  
5 exception to the prohibition for a police officer at a motor vehicle checkpoint  
6 established as part of a police search or investigation; providing for the  
7 construction of a certain provision of law governing obedience to a lawful order  
8 or direction of a police officer; defining a certain term; and generally relating to  
9 inspections or evaluations at motor vehicle checkpoints.

10 BY repealing and reenacting, with amendments,  
11 Article – Transportation  
12 Section 21–103  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2013 Supplement)

15 BY adding to  
16 Article – Transportation  
17 Section 25–114  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2013 Supplement)

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

22 **Article – Transportation**

23 21–103.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)   **(1)**   A person may not willfully disobey any lawful order or direction of  
2 any police officer.

3                   **(2)**   **THIS SUBSECTION MAY NOT BE CONSTRUED TO AUTHORIZE A**  
4 **POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT, AS DEFINED IN § 25-114**  
5 **OF THIS ARTICLE, TO TARGET ONLY MOTORCYCLES FOR INSPECTION OR**  
6 **EVALUATION, EXCEPT AS APPROPRIATE AT A POLICE CHECKPOINT**  
7 **ESTABLISHED AS PART OF A POLICE SEARCH OR INVESTIGATION.**

8           (b)   **(1)**   A police officer may summon witnesses to testify under oath on any  
9 charge brought under the Maryland Vehicle Law.

10                   **(2)**   A person may not willfully disobey a summons.

11   **25-114.**

12           **(A)**   **IN THIS SECTION, “CHECKPOINT” MEANS A PREDETERMINED FIXED**  
13 **LOCATION AT WHICH A POLICE OFFICER STOPS A MOTOR VEHICLE OR A**  
14 **SPECIFIC SEQUENCE OF MOTOR VEHICLES TO CONDUCT SAFETY INSPECTIONS,**  
15 **INSPECT DRIVERS’ LICENSES OR REGISTRATIONS, OR EVALUATE DRIVERS FOR**  
16 **IMPAIRMENT.**

17           **(B)**   **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**  
18 **POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT MAY NOT TARGET ONLY**  
19 **MOTORCYCLES FOR INSPECTION OR EVALUATION.**

20           **(C)**   **A POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT**  
21 **ESTABLISHED AS PART OF A POLICE SEARCH OR INVESTIGATION MAY TARGET**  
22 **MOTORCYCLES AS APPROPRIATE.**

23                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2014.