

HOUSE BILL 339

E4, R7

5lr1276
CF 5lr1416

By: **Delegates Carter, Anderson, Conaway, Moon, Oaks, B. Robinson, Smith, Sydnor, and M. Washington**

Introduced and read first time: February 5, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Race–Based Traffic Stops – Policy and Reporting Requirements**

3 FOR the purpose of requiring that certain law enforcement officers record certain
4 information pertaining to traffic stops; requiring certain law enforcement agencies
5 to report certain information to the Maryland Statistical Analysis Center; requiring
6 the Police Training Commission to develop a certain format and guidelines and a
7 standardized format for the reporting of certain data; requiring the Police Training
8 Commission to develop a certain model policy; requiring the Maryland Statistical
9 Analysis Center to analyze certain data based on a methodology developed in
10 conjunction with the Police Training Commission; requiring the Maryland Statistical
11 Analysis Center to make certain reports to the General Assembly, the Governor, and
12 law enforcement agencies; requiring law enforcement agency policies regarding
13 race–based traffic stops to provide for certain reviews of certain data and reports for
14 certain purposes; requiring the Maryland Statistical Analysis Center to report to the
15 Police Training Commission those law enforcement agencies that fail to comply with
16 certain reporting requirements; requiring certain actions following a report on the
17 failure of a law enforcement agency to comply; providing certain exceptions
18 applicable to law enforcement agencies that are subject to certain agreements;
19 defining certain terms; and generally relating to law enforcement procedures and
20 traffic stops.

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 25–113
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2014 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation

25–113.

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

(2) “Law enforcement agency” means an agency that is listed in § 3–101(e) of the Public Safety Article.

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

(4) “MARYLAND STATISTICAL ANALYSIS CENTER” MEANS THE RESEARCH, DEVELOPMENT, AND EVALUATION COMPONENT OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(5) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY ARTICLE.

~~[(4)]~~ **(6)** (i) “Traffic stop” means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) “Traffic stop” does not include:

1. A checkpoint or roadblock stop;
2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on the use of license plate reader technology.

(B) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE MARYLAND STATISTICAL ANALYSIS CENTER, SHALL DEVELOP:

(1) A MODEL FORMAT FOR THE EFFICIENT RECORDING OF DATA REQUIRED UNDER SUBSECTION (D) OF THIS SECTION ON AN ELECTRONIC DEVICE, OR BY ANY OTHER MEANS, FOR USE BY A LAW ENFORCEMENT AGENCY;

1 **(2) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE**
2 **AS A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED BY ITS OFFICERS FOR USE**
3 **IN COUNSELING AND IMPROVED TRAINING;**

4 **(3) A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT**
5 **AGENCY SHALL USE IN REPORTING DATA TO THE MARYLAND STATISTICAL**
6 **ANALYSIS CENTER UNDER SUBSECTION (E) OF THIS SECTION; AND**

7 **(4) A MODEL POLICY AGAINST RACE-BASED TRAFFIC STOPS THAT A**
8 **LAW ENFORCEMENT AGENCY MAY USE IN DEVELOPING ITS POLICY IN ACCORDANCE**
9 **WITH SUBSECTION (G) OF THIS SECTION.**

10 **(c) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION**
11 **APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS ONE OR MORE LAW**
12 **ENFORCEMENT OFFICERS.**

13 **(2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION,**
14 **THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT IS SUBJECT**
15 **TO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE THAT**
16 **REQUIRES THE LAW ENFORCEMENT AGENCY TO COLLECT DATA ON THE RACE OR**
17 **ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.**

18 **(d) EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP,**
19 **THAT OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW**
20 **ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE FORMAT**
21 **DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION:**

22 **(1) THE DATE, LOCATION, AND TIME OF THE STOP;**

23 **(2) THE APPROXIMATE DURATION OF THE STOP;**

24 **(3) THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE**
25 **BEEN COMMITTED THAT LED TO THE STOP;**

26 **(4) WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE STOP;**

27 **(5) IF A SEARCH WAS CONDUCTED, THE REASON FOR THE SEARCH,**
28 **WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL, WHETHER A**
29 **PERSON WAS SEARCHED, AND WHETHER A PERSON'S PROPERTY WAS SEARCHED;**

30 **(6) WHETHER ANY CONTRABAND OR OTHER PROPERTY WAS SEIZED**
31 **IN THE COURSE OF THE SEARCH;**

1 **(7) WHETHER A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR**
2 **CITATION WAS ISSUED AS A RESULT OF THE STOP;**

3 **(8) IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION**
4 **WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY EQUIPMENT REPAIR**
5 **ORDER, OR CITATION;**

6 **(9) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER THE**
7 **STOP OR THE SEARCH;**

8 **(10) IF AN ARREST WAS MADE, THE CRIME CHARGED;**

9 **(11) THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;**

10 **(12) THE GENDER OF THE DRIVER;**

11 **(13) THE DATE OF BIRTH OF THE DRIVER;**

12 **(14) THE STATE AND, IF AVAILABLE ON THE DRIVER'S LICENSE, THE**
13 **COUNTY OF RESIDENCE OF THE DRIVER; AND**

14 **(15) THE RACE OR ETHNICITY OF THE DRIVER AS:**

15 **(I) ASIAN;**

16 **(II) BLACK;**

17 **(III) HISPANIC;**

18 **(IV) WHITE; OR**

19 **(V) OTHER.**

20 **(E) (1) A LAW ENFORCEMENT AGENCY SHALL:**

21 **(I) COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF THIS**
22 **SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER**
23 **SUBSECTION (B)(3) OF THIS SECTION; AND**

24 **(II) SUBMIT THE REPORT TO THE MARYLAND STATISTICAL**
25 **ANALYSIS CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR YEAR.**

1 **(2) A LAW ENFORCEMENT AGENCY THAT IS EXEMPT UNDER**
2 **SUBSECTION (C)(2) OF THIS SECTION SHALL SUBMIT TO THE MARYLAND**
3 **STATISTICAL ANALYSIS CENTER COPIES OF REPORTS IT SUBMITS TO THE UNITED**
4 **STATES DEPARTMENT OF JUSTICE IN LIEU OF THE REPORT REQUIRED UNDER**
5 **PARAGRAPH (1) OF THIS SUBSECTION.**

6 **(F) (1) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL**
7 **ANALYZE THE ANNUAL REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED**
8 **UNDER SUBSECTION (E) OF THIS SECTION BASED ON A METHODOLOGY DEVELOPED**
9 **IN CONSULTATION WITH THE POLICE TRAINING COMMISSION.**

10 **(2) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT**
11 **A REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL ASSEMBLY IN**
12 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH**
13 **LAW ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.**

14 **[(b)] (G) (1) A law enforcement agency shall adopt a policy against**
15 **race-based traffic stops that is to be used as a management tool to promote**
16 **nondiscriminatory law enforcement and in the training and counseling of its officers.**

17 (2) (i) The policy shall prohibit the practice of using an individual's race
18 or ethnicity as the sole justification to initiate a traffic stop.

19 (ii) The policy shall make clear that it may not be construed to alter
20 the authority of a law enforcement officer to make an arrest, conduct a search or seizure,
21 or otherwise fulfill the officer's law enforcement obligations.

22 **(3) THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT**
23 **AGENCY TO PERIODICALLY REVIEW DATA COLLECTED BY ITS OFFICERS UNDER**
24 **SUBSECTION (D) OF THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE**
25 **MARYLAND STATISTICAL ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF**
26 **THIS SUBSECTION.**

27 **(H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
28 **REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND STATISTICAL ANALYSIS**
29 **CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING**
30 **COMMISSION.**

31 **(2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE LAW**
32 **ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE**
33 **REQUIRED REPORTING PROVISIONS.**

34 **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
35 **REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY**

1 THE POLICE TRAINING COMMISSION, THE MARYLAND STATISTICAL ANALYSIS
2 CENTER AND THE POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE
3 NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE
4 OF THE GENERAL ASSEMBLY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2015.