

SENATE BILL 716

R6
SB 640/14 – JPR

5lr2282
CF 5lr2541

By: **Senators Raskin, Astle, Bates, Benson, Feldman, Klausmeier, Lee, Montgomery, Muse, Norman, and Ready**

Introduced and read first time: February 11, 2015

Assigned to: Rules

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 targeting
4 only motorcycles for inspection or evaluation; creating a certain exception to the
5 prohibition for a police officer at a motor vehicle checkpoint established as part of a
6 police search or investigation; providing for the construction of a certain provision of
7 law governing obedience to a lawful order or direction of a police officer; defining a
8 certain term; and generally relating to inspections or evaluations at motor vehicle
9 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 2014 Supplement)

15 BY adding to
16 Article – Transportation
17 Section 25–114
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2014 Supplement)

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

22 **Article – Transportation**

23 21–103.

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 any
2 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 OF
5 THIS ARTICLE, TO TARGET ONLY MOTORCYCLES FOR INSPECTION OR EVALUATION,
6 EXCEPT AS APPROPRIATE AT A POLICE CHECKPOINT ESTABLISHED AS PART OF A
7 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 SPECIFIC
14 SEQUENCE OF MOTOR VEHICLES TO CONDUCT SAFETY INSPECTIONS, INSPECT
15 DRIVERS' LICENSES OR REGISTRATIONS, OR EVALUATE DRIVERS FOR IMPAIRMENT.

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2015.