

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 918
Judiciary

(Delegate Kramer, *et al.*)

Public Safety - Motorcycle Profiling - Training

This bill requires the Police Training Commission (PTC) to require (1) a statement condemning “motorcycle profiling” to be included in existing written policies regarding other profiling and (2) for entrance-level police training and in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling.

Fiscal Summary

State Effect: Minimal. Any additional training costs for PTC and other State agencies are assumed to be absorbable within existing budgeted resources.

Local Effect: While some local governments can implement the bill with existing resources, others may incur minimal costs to modify current training programs to meet the bill’s requirements.

Small Business Effect: None.

Analysis

Bill Summary: The term “motorcycle profiling” means the use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia in deciding to stop, question, take enforcement action, arrest, or search the individual or a vehicle occupied by the individual with or without a legal basis under the U.S. Constitution, the Maryland Constitution, or the Maryland Declaration of Rights.

Current Law: The statutory powers and duties of PTC include the following:

- to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by PTC, including State, regional, county, and municipal training schools;
- to approve and issue certificates of approval to police training schools; and
- to require, for entrance-level police training and, as determined by PTC, for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, (1) training in lifesaving techniques, including cardiopulmonary resuscitation; (2) training in the proper level and use of force; (3) training regarding sensitivity to cultural and gender diversity; and (4) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities.

Chapters 342 and 343 of 2001 required the State’s law enforcement agencies to adopt a policy against race-based traffic stops to be used as a management tool to promote nondiscriminatory law enforcement practices as well as in the training and counseling of officers. The policy must specifically prohibit using an individual’s race or ethnicity as the sole reason to initiate a traffic stop. That requirement was made permanent by Chapter 173 of 2011.

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; (3) a stop based on the use of radar, laser, or VASCAR technology; or (4) a stop based on license plate reader technology.

PTC regulations address police officer entrance-level training and include requirements for training in patrol, traffic, emergency medical care, protective strategies and tactics, health and wellness, and firearms training and qualification, among other things. PTC regulations also establish requirements for police officer annual in-service training.

Additional Information

Prior Introductions: None.

Cross File: Although SB 727 (Senator Norman, *et al.* – Judicial Proceedings) is designated as a cross file, it is not identical.

Information Source(s): Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Town of Leonardtown; City of Salisbury; Maryland Department of Transportation; Department of General Services; Department of Public Safety and Correctional Services; Governor's Office of Crime Control and Prevention; Department of Legislative Services

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md/lgc

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