

# SENATE BILL 107

E2, E4, Q7

8lr0081

(PRE-FILED)

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By: Chair, Judicial Proceedings Committee (By Request – Departmental – Office of Crime Control and Prevention)

Requested: September 18, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Governor’s Office of Crime Control and Prevention and the**  
3 **Maryland Statistical Analysis Center – Reporting Requirements**

4 FOR the purpose of repealing the requirement for the Governor’s Office of Crime Control  
5 and Prevention to report certain information to certain committees of the General  
6 Assembly regarding interrogation rooms; requiring the Office to place on its website  
7 certain information relating to interrogation rooms; requiring the Office to provide a  
8 paper copy of certain information under certain circumstances; repealing the  
9 requirement for the Maryland Statistical Analysis Center to report to the Governor  
10 and the General Assembly on certain information relating to the dissemination of  
11 criminal history record information; requiring the Center to post certain information  
12 on its website relating to the dissemination of certain criminal history record  
13 information; repealing the requirement for the Office to compile and report certain  
14 information relating to crime scene DNA collection and analysis to the Governor and  
15 the General Assembly; requiring the Office, by a certain date at certain intervals, to  
16 place on its website certain information relating to crime scene DNA collection and  
17 analysis; repealing the requirement for the Office to make an annual report to the  
18 General Assembly on certain law enforcement officer-involved deaths and deaths in  
19 the line of duty; requiring the Office, by a certain date annually, to place on its  
20 website certain information relating to law enforcement officer-involved deaths and  
21 deaths in the line of duty; repealing the requirement for the Office to report certain  
22 findings and recommendations relating to tax refunds to the Governor and the  
23 General Assembly; requiring the Office to place on its website certain findings and  
24 recommendations relating to tax refunds; repealing the requirement for the Center  
25 to submit a certain report relating to traffic stops by law enforcement to the Governor  
26 and the General Assembly; requiring the Center to place on its website certain  
27 information relating to traffic stops by law enforcement; making clarifying and  
28 stylistic changes; and generally relating to the Governor’s Office of Crime Control  
29 and Prevention and the Maryland Statistical Analysis Center.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Criminal Procedure  
3 Section 2–404 and 10–219(b)  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2017 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Public Safety  
8 Section 2–514 and 3–507(e)  
9 Annotated Code of Maryland  
10 (2011 Replacement Volume and 2017 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Public Safety  
13 Section 3–507(b)  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Tax – General  
18 Section 13–941  
19 Annotated Code of Maryland  
20 (2016 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Transportation  
23 Section 25–113(a)(4), (d), and (e)  
24 Annotated Code of Maryland  
25 (2012 Replacement Volume and 2017 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – Transportation  
28 Section 25–113(f)  
29 Annotated Code of Maryland  
30 (2012 Replacement Volume and 2017 Supplement)

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

33 **Article – Criminal Procedure**

34 2–404.

35 (A) On or before December 31, [2009] 2018, and annually thereafter, the  
36 Governor’s Office of Crime Control and Prevention shall [report to the House Judiciary  
37 Committee and the Senate Judicial Proceedings Committee, in accordance with § 2–1246

1 of the State Government Article on] **PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE**  
2 **LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED AND A**  
3 **SUMMARY OF** the progress of jurisdictions and the Department of State Police in  
4 establishing interrogation rooms capable of creating audiovisual recordings of custodial  
5 interrogations.

6 **(B) ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
7 **PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR FIRST-CLASS MAIL A**  
8 **PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY PREPARED UNDER**  
9 **SUBSECTION (A) OF THIS SECTION.**

10 10-219.

11 (b) (1) The Central Repository shall disseminate on a monthly basis  
12 information concerning a child charged as an adult to the Maryland [Justice]  
13 **STATISTICAL** Analysis Center of the [Institute of Criminal Justice and Criminology of the  
14 University of Maryland] **GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
15 **PREVENTION.**

16 (2) In addition to any reportable event, as defined in § 10-215 of this  
17 subtitle, the Central Repository shall include in its dissemination of information to the  
18 Maryland [Justice] **STATISTICAL** Analysis Center the age, race, and gender of the child.

19 (3) The Central Repository may disseminate to the Maryland [Justice]  
20 **STATISTICAL** Analysis Center unique identifiers relating to the child, including the name  
21 of the child, fingerprint identification numbers, and record or file numbers.

22 (4) The information disseminated to the Maryland [Justice] **STATISTICAL**  
23 Analysis Center in accordance with this subsection shall be used only for the purposes of  
24 research, evaluation, and statistical analysis.

25 (5) Except as otherwise required under State law, the Maryland [Justice]  
26 **STATISTICAL** Analysis Center may not disseminate criminal history record information  
27 received from the Central Repository.

28 (6) (I) By June 30 and December 31 of each year, the Maryland  
29 [Justice] **STATISTICAL** Analysis Center shall [report to the Governor, and, subject to §  
30 2-1246 of the State Government Article, the General Assembly, on] **PLACE ON ITS**  
31 **WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY**  
32 **SHOWING ALL DATA COLLECTED UNDER THIS SECTION AND A SUMMARY OF** the  
33 results of its research, evaluation, and statistical analysis.

34 (II) **ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME**  
35 **CONTROL AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR**  
36 **FIRST-CLASS MAIL A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY**

## 1 PREPARED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

## 2 Article – Public Safety

3 2–514.

4 (a) On or before April 1, 2010, and on or before April 1 of every even-numbered  
5 year thereafter, each local law enforcement unit shall report to the Governor's Office of  
6 Crime Control and Prevention on the status of crime scene DNA collection and analysis in  
7 its respective jurisdiction for the preceding calendar year, and the Department shall report  
8 to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA  
9 collection statewide for the preceding calendar year, including:

10 (1) the crimes for which crime scene DNA evidence is routinely collected;

11 (2) the approximate number of crime scene DNA evidence samples  
12 collected during the preceding year for each category of crime;

13 (3) the average time between crime scene DNA evidence collection and  
14 analysis;

15 (4) the number of crime scene DNA evidence samples collected and not  
16 analyzed at the time of the study;

17 (5) the number of crime scene DNA evidence samples submitted to the  
18 statewide DNA data base during the preceding year; and

19 (6) the number of crime scene DNA evidence samples, including sexual  
20 assault evidence, collected by hospitals in the county during the preceding year.

21 (b) (1) [The] **ON OR BEFORE DECEMBER 31, 2018, AND ON OR BEFORE**  
22 **DECEMBER 31 OF EVERY EVEN-NUMBERED YEAR THEREAFTER, THE** Governor's  
23 Office of Crime Control and Prevention shall [compile the information reported by the local  
24 law enforcement units and the Department under subsection (a) of this section and submit  
25 an annual summary report to the Governor and, in accordance with § 2–1246 of the State  
26 Government Article, the General Assembly] **PLACE ON ITS WEBSITE IN AN EASILY**  
27 **ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL DATA**  
28 **COLLECTED UNDER THIS SECTION AND A SUMMARY OF THE INFORMATION**  
29 **REPORTED.**

30 (2) **ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME CONTROL**  
31 **AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR FIRST-CLASS MAIL**  
32 **A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY PREPARED UNDER**  
33 **PARAGRAPH (1) OF THIS SUBSECTION.**

34 3–507.

(1) the age, gender, ethnicity, and race of a deceased individual;

7 (2) the age, gender, ethnicity, and race of the officer involved;

8 (3) a brief description of the circumstances surrounding the death;

9 (4) the date, time, and location of the death; and

10 (5) the law enforcement agency of the officer who:

11 (i) died, if the incident involved an officer who died in the line of  
12 duty; or

13 (ii) detained, arrested, or was in the process of arresting the  
14 deceased, if the incident involved an officer-involved death.

15 (e) (1) [The] ON OR BEFORE JUNE 30 EACH YEAR, THE Governor's Office  
16 of Crime Control and Prevention shall [make an annual report on] PLACE ON ITS  
17 WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY  
18 SHOWING ALL DATA COLLECTED UNDER THIS SECTION AND A SUMMARY OF the  
19 incidence of officer-involved deaths and deaths in the line of duty in the State [to the  
20 General Assembly, in accordance with § 2-1246 of the State Government Article, on or  
21 before June 30 of each year].

## Article – Tax – General

27 13-941.

28 (a) The Governor's Office of Crime Control and Prevention, in consultation with  
29 the Comptroller, shall:

30 (1) study:

31 (i) the total number of tax refunds withheld by the Comptroller

1 under this part;

2 (ii) the average amount of the tax refunds withheld by the  
3 Comptroller;

4 (iii) the potential differences in the service of warrants or requests by  
5 warrant officials to the Comptroller to withhold tax refunds under the program based on  
6 race;

7 (iv) the types of warrants and specific charges that prompted the  
8 requests by warrant officials to the Comptroller to withhold refunds, including warrants  
9 related to criminal violations, civil matters, motor vehicle violations, and failures to appear;

10 (v) the effectiveness of withholding refunds on resolving  
11 outstanding warrants in each jurisdiction of the State; and

12 (vi) whether any withheld refunds were contested; and

13 (2) make recommendations regarding continued implementation of the  
14 program in a manner that ensures that the program does not disparately impact  
15 individuals on racial grounds.

16 (b) (1) On or before December 31 of each year, the Governor's Office of Crime  
17 Control and Prevention shall [report its findings and recommendations to the Governor  
18 and, in accordance with § 2-1246 of the State Government Article, the General Assembly]  
19 **PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA**  
20 **DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SECTION AND A SUMMARY OF**  
21 **ITS FINDINGS AND RECOMMENDATIONS.**

22 (2) **ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME CONTROL**  
23 **AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR FIRST-CLASS MAIL**  
24 **A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY PREPARED UNDER**  
25 **PARAGRAPH (1) OF THIS SUBSECTION.**

## 26 Article – Transportation

27 25–113.

28 (a) (4) "Maryland Statistical Analysis Center" means the research,  
29 development, and evaluation component of the Governor's Office of Crime Control and  
30 Prevention.

31 (d) Each time a law enforcement officer makes a traffic stop, that officer shall  
32 report the following information to the law enforcement agency that employs the officer  
33 using the format developed under subsection (b)(1) of this section:

- (1) The date, location, and time of the stop;
- (2) The approximate duration of the stop;
- (3) The traffic violation or violations alleged to have been committed that stop;
- (4) Whether a search was conducted as a result of the stop;
- (5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's vehicle was searched;
- (6) Whether any contraband or other property was seized in the course of the stop;
- (7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;
- (8) If a warning, safety equipment repair order, or citation was issued, the date and location of the warning, safety equipment repair order, or citation;
- (9) Whether an arrest was made as a result of either the stop or the search;
- (10) If an arrest was made, the crime charged;
- (11) The state in which the stopped vehicle is registered;
- (12) The gender of the driver;
- (13) The date of birth of the driver;
- (14) The state and, if available on the driver's license, the county of residence of the driver; and
- (15) The race or ethnicity of the driver as:
  - (i) Asian;
  - (ii) Black;
  - (iii) Hispanic;
  - (iv) White; or
  - (v) Other.

(e) (1) A law enforcement agency shall:

(i) Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b)(3) of this section; and

(2) A law enforcement agency that is exempt under subsection (c)(2) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.

20 (II) ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME  
21 CONTROL AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR  
22 FIRST-CLASS MAIL A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY  
23 PREPARED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2018.