

# HOUSE BILL 301

R7, E4

(9lr1077)

## ENROLLED BILL

— Environment and Transportation/Judicial Proceedings —

Introduced by **Delegates Wilkins, Anderson, Barron, Boyce, Bridges, Charles, Conaway, Ebersole, Fennell, W. Fisher, Fraser-Hidalgo, Ivey, Jalisi, Lafferty, Love, Stewart, Wells, and K. Young**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – ~~Ethnicity-Based or Race-Based~~ Traffic Stops – Policy and**  
3 **Reporting Requirements**

4 FOR the purpose of ~~altering the meaning of “traffic stop” as it relates to certain policies and~~  
5 ~~reporting requirements; requiring certain law enforcement agencies to report certain~~  
6 ~~information to the Maryland Statistical Analysis Center; altering the categories of~~  
7 ~~ethnicity and race a law enforcement officer is required to report to the law~~  
8 ~~enforcement agency that employs the officer; requiring the Maryland Statistical~~  
9 ~~Analysis Center to make certain reports to the General Assembly, the Governor, and~~  
10 ~~law enforcement agencies; altering a certain definition; repealing a termination~~  
11 ~~provision for certain provisions of law relating to policy and reporting requirements~~  
12 ~~for race-based traffic stops; repealing a certain reporting requirement of the~~  
13 ~~Maryland Statistical Analysis Center on certain traffic stop data and requiring the~~

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Maryland Statistical Analysis Center on or before a certain date each year to place on  
 2 its website in a certain manner a filterable data display showing certain traffic stop  
 3 data; requiring the Governor's Office of Crime Control and Prevention to provide  
 4 certain notice to the General Assembly when the filterable data display is updated;  
 5 making stylistic changes; altering a certain definition; and generally relating to law  
 6 enforcement procedures and traffic stops.

7 BY repealing and reenacting, with amendments,  
 8 Article – Transportation  
 9 Section 25–113  
 10 Annotated Code of Maryland  
 11 (2012 Replacement Volume and 2018 Supplement)

12 BY repealing and reenacting, with amendments,  
 13 Chapter 127 of the Acts of the General Assembly of 2015  
 14 Section 2

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

17 **Article – Transportation**

18 25–113.

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

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

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

25 (4) **“MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”**  
 26 **MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND**  
 27 **CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY**  
 28 **ARTICLE.**

29 [(4)] (5) “Maryland Statistical Analysis Center” means the research,  
 30 development, and evaluation component of the Governor’s Office of Crime Control and  
 31 Prevention.

32 [(5)] (5) “Police Training and Standards Commission” means the unit within the  
 33 Department of Public Safety and Correctional Services established under § 3–202 of the  
 34 Public Safety Article.]

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

4 (ii) “Traffic stop” does not include:

5 1. A checkpoint or roadblock stop; ~~OR~~

6 2. A stop of multiple vehicles due to a traffic accident or  
7 emergency situation requiring the stopping of vehicles for public safety purposes~~];~~

8 3. A stop based on the use of radar, laser, or vascar  
9 technology; or

10 4. A stop based on the use of license plate reader technology~~].~~

11 (b) The MARYLAND Police Training and Standards Commission, in consultation  
12 with the Maryland Statistical Analysis Center, shall develop:

13 (1) A model format for the efficient recording of data required under  
14 subsection (d) of this section on an electronic device, or by any other means, for use by a  
15 law enforcement agency;

16 (2) Guidelines that each law enforcement agency may use as a  
17 management tool to evaluate data collected by its officers for use in counseling and  
18 improved training;

19 (3) A standardized format that each law enforcement agency shall use in  
20 reporting data to the Maryland Statistical Analysis Center under subsection (e) of this  
21 section; and

22 (4) A model policy against ~~ETHNICITY-BASED-AND~~ race-based traffic  
23 stops that a law enforcement agency may use in developing its policy in accordance with  
24 subsection (g) of this section.

25 (c) ~~[(1)~~ Subject to paragraph (2) of this subsection, this~~] THIS~~ section applies  
26 to each law enforcement agency that has one or more law enforcement officers.

27 ~~[(2)~~ Except as provided in subsection (e)(2) of this section, this section does  
28 not apply to a law enforcement agency that is subject to an agreement with the United  
29 States Department of Justice that requires the law enforcement agency to collect data on  
30 the race or ethnicity of the drivers of motor vehicles stopped.~~].~~

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:

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- 1 (1) The date, location, and time of the stop;
- 2 (2) The approximate duration of the stop;
- 3 (3) The traffic violation or violations alleged to have been committed that  
4 led to the stop;
- 5 (4) Whether a search was conducted as a result of the stop;
- 6 (5) If a search was conducted, the reason for the search, whether the search  
7 was consensual or nonconsensual, whether a person was searched, and whether a person's  
8 property was searched;
- 9 (6) Whether any contraband or other property was seized in the course of  
10 the search;
- 11 (7) Whether a warning, safety equipment repair order, or citation was  
12 issued as a result of the stop;
- 13 (8) If a warning, safety equipment repair order, or citation was issued, the  
14 basis for issuing the warning, safety equipment repair order, or citation;
- 15 (9) Whether an arrest was made as a result of either the stop or the search;
- 16 (10) If an arrest was made, the crime charged;
- 17 (11) The state in which the stopped vehicle is registered;
- 18 (12) The gender of the driver;
- 19 (13) The date of birth of the driver;
- 20 (14) The state and, if available on the driver's license, the county of  
21 residence of the driver; ~~and~~
- 22 (15) ~~THE ETHNICITY OF THE DRIVER AS:~~
  - 23 ~~(I) HISPANIC OR LATINO; OR~~
  - 24 ~~(II) NOT HISPANIC OR LATINO; AND~~
  - 25 ~~(16)~~ The race ~~for ethnicity~~ of the driver as:
    - 26 ~~(i)~~ Asian;

- 1 (ii) Black;
- 2 (iii) Hispanic;
- 3 (iv) White; or
- 4 (v) Other.‡

5 ~~(I) WHITE ALONE;~~

6 ~~(II) BLACK OR AFRICAN AMERICAN ALONE;~~

7 ~~(III) ASIAN ALONE;~~

8 ~~(IV) NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER ALONE;~~

9 ~~(V) SOME OTHER RACE ALONE;~~

10 ~~(VI) TWO OR MORE RACES INCLUDING SOME OTHER RACE; OR~~

11 ~~(VII) TWO OR MORE RACES EXCLUDING SOME OTHER RACE.~~

12 (e) ~~‡(1)‡~~ A law enforcement agency shall:

13 ~~‡(i)‡~~ ~~(1)~~ Compile the data described in subsection (d) of this section  
14 for the calendar year as a report in the format required under subsection (b)(3) of this  
15 section; and

16 ~~‡(ii)‡~~ ~~(2)~~ Submit the report to the Maryland Statistical Analysis  
17 Center no later than March 1 of the following calendar year.

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

22 (f) (1) The Maryland Statistical Analysis Center shall analyze the annual  
23 reports of law enforcement agencies submitted under subsection (e) of this section based on  
24 a methodology developed in consultation with the MARYLAND Police Training and  
25 Standards Commission.

26 (2) ~~(1)~~ ~~The ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE Maryland~~  
27 ~~Statistical Analysis Center shall submit a report of the findings, DISAGGREGATED BY~~  
28 ~~JURISDICTION AND LAW ENFORCEMENT AGENCY, to the Governor, the General~~  
29 ~~Assembly in accordance with § 2-1246 of the State Government Article, and each law~~

~~enforcement agency before September 1 of each year~~ POST ON ITS WEBSITE IN A LOCATION THAT IS EASILY ACCESSIBLE TO THE PUBLIC A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SECTION FOR THE PREVIOUS CALENDAR YEAR.

(II) A FILTERABLE DATA DISPLAY UNDER THIS PARAGRAPH SHALL ALLOW A PERSON TO:

1. FILTER THE TRAFFIC STOP DATA BY COUNTY OR MUNICIPALITY OR LAW ENFORCEMENT AGENCY; AND

2. REVIEW VARIOUS VISUALS ASSOCIATED WITH DATA ITEMS REPORTED UNDER SUBSECTION (D) OF THIS SECTION.

(III) BEGINNING WITH DATA COLLECTED FOR CALENDAR YEAR 2018, THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL INCLUDE AND MAINTAIN DATA FROM ALL PRIOR YEARS IN THE FILTERABLE DATA DISPLAY.

(IV) WHEN THE MARYLAND STATISTICAL ANALYSIS CENTER UPDATES A FILTERABLE DATA DISPLAY UNDER THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE ELECTRONIC AND WRITTEN NOTICE OF THE UPDATE TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

~~(3) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT A COPY OF EACH REPORT SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY BEFORE SEPTEMBER 1 EACH YEAR.~~

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

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

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

(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection (d) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

1 (h) (1) If a law enforcement agency fails to comply with the reporting  
2 provisions of this section, the Maryland Statistical Analysis Center shall report the  
3 noncompliance to the **MARYLAND** Police Training and Standards Commission.

4 (2) The **MARYLAND** Police Training and Standards Commission shall  
5 contact the law enforcement agency and request that the agency comply with the required  
6 reporting provisions.

7 (3) If the law enforcement agency fails to comply with the required  
8 reporting provisions within 30 days after being contacted by the **MARYLAND** Police  
9 Training and Standards Commission, the Maryland Statistical Analysis Center and the  
10 **MARYLAND** Police Training and Standards Commission jointly shall report the  
11 noncompliance to the Governor and the Legislative Policy Committee of the General  
12 Assembly.

13 **Chapter 127 of the Acts of 2015**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
15 1, 2015. [It shall remain effective for a period of 5 years and, at the end of May 31, 2020,  
16 with no further action required by the General Assembly, this Act shall be abrogated and  
17 of no further force and effect.]

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 ~~October~~ July 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.