

HOUSE BILL 301

R7, E4

9lr1077
CF SB 417

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

Introduced and read first time: January 28, 2019

Assigned to: Judiciary

Reassigned: Environment and Transportation, February 4, 2019

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

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; making stylistic changes; altering a certain definition;~~
13 ~~and generally relating to law enforcement procedures and traffic stops.~~

14 BY repealing and reenacting, with amendments,

15 Article – Transportation

16 Section 25–113

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,

20 Chapter 127 of the Acts of the General Assembly of 2015

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.



1 Section 2

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

4 **Article – Transportation**

5 25–113.

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

7 (2) “Law enforcement agency” means an agency that is listed in § 3–101(e)
8 of the Public Safety Article.9 (3) “Law enforcement officer” means any person who, in an official
10 capacity, is authorized by law to make arrests and who is an employee of a law enforcement
11 agency.12 (4) **“MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”**
13 **MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND**
14 **CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY**
15 **ARTICLE.**16 [(4)] (5) “Maryland Statistical Analysis Center” means the research,
17 development, and evaluation component of the Governor’s Office of Crime Control and
18 Prevention.19 [(5) “Police Training and Standards Commission” means the unit within the
20 Department of Public Safety and Correctional Services established under § 3–202 of the
21 Public Safety Article.]22 (6) (i) “Traffic stop” means any instance when a law enforcement officer
23 stops the driver of a motor vehicle and detains the driver for any period of time ~~for~~ a
24 violation of the Maryland Vehicle Law~~].~~

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

- 26 1. A checkpoint or roadblock stop; ~~OR~~
- 27 2. A stop of multiple vehicles due to a traffic accident or
28 emergency situation requiring the stopping of vehicles for public safety purposes~~];~~
- 29 3. A stop based on the use of radar, laser, or vascar
30 technology; or
- 31 4. A stop based on the use of license plate reader technology~~].~~

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

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

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

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

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

15 (c) ~~¶~~(1) Subject to paragraph (2) of this subsection, this ~~¶~~ **THIS** section applies
16 to each law enforcement agency that has one or more law enforcement officers.

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

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

24 (1) The date, location, and time of the stop;

25 (2) The approximate duration of the stop;

26 (3) The traffic violation or violations alleged to have been committed that
27 led to the stop;

28 (4) Whether a search was conducted as a result of the stop;

29 (5) If a search was conducted, the reason for the search, whether the search
30 was consensual or nonconsensual, whether a person was searched, and whether a person's
31 property was searched;

32 (6) Whether any contraband or other property was seized in the course of
33 the search;

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1 (7) Whether a warning, safety equipment repair order, or citation was
2 issued as a result of the stop;

3 (8) If a warning, safety equipment repair order, or citation was issued, the
4 basis for issuing the warning, safety equipment repair order, or citation;

5 (9) Whether an arrest was made as a result of either the stop or the search;

6 (10) If an arrest was made, the crime charged;

7 (11) The state in which the stopped vehicle is registered;

8 (12) The gender of the driver;

9 (13) The date of birth of the driver;

10 (14) The state and, if available on the driver's license, the county of
11 residence of the driver; ~~and~~

12 (15) ~~THE ETHNICITY OF THE DRIVER AS:~~

13 ~~(I) HISPANIC OR LATINO; OR~~

14 ~~(II) NOT HISPANIC OR LATINO; AND~~

15 ~~(16)~~ The race ~~for ethnicity~~ of the driver as:

16 ~~(i)~~ Asian;

17 ~~(ii)~~ Black;

18 ~~(iii)~~ Hispanic;

19 ~~(iv)~~ White; or

20 ~~(v)~~ Other.~~‡~~

21 ~~(I) WHITE ALONE;~~

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

23 ~~(III) ASIAN ALONE;~~

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

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

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

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

4 (e) ~~[(1)]~~ A law enforcement agency shall:

5 ~~[(i)]~~ ~~(1)~~ Compile the data described in subsection (d) of this section
6 for the calendar year as a report in the format required under subsection (b)(3) of this
7 section; and

8 ~~[(ii)]~~ ~~(2)~~ Submit the report to the Maryland Statistical Analysis
9 Center no later than March 1 of the following calendar year.

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

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

18 (2) The Maryland Statistical Analysis Center shall submit a report of the
19 findings, ~~DISAGGREGATED BY JURISDICTION AND LAW ENFORCEMENT AGENCY,~~ to
20 the Governor, the General Assembly in accordance with § 2-1246 of the State Government
21 Article, and each law enforcement agency before September 1 of each year.

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

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

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

31 (ii) The policy shall make clear that it may not be construed to alter
32 the authority of a law enforcement officer to make an arrest, conduct a search or seizure,
33 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.

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

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

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

Chapter 127 of the Acts of 2015

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.