

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 197
Judiciary

(Delegate Wilson)

Criminal Procedure – Police Officers – Stop Procedures (Know Your Rights Act)

This bill requires a police officer, absent exigent circumstances, at the commencement of a traffic stop or other stop, to display proper identification, provide other specified information to the stopped individual, and inform the stopped individual of the right to (1) refuse to speak or provide information to the police officer; (2) be informed of the justification for the stop; and (3) terminate the interaction. At the commencement of a traffic stop, a police officer must also inform all occupants of the vehicle, other than the driver, of the right to refuse to provide identification to the police officer. During a traffic stop or other stop, a police officer is prohibited from (1) seizing a personal item from an individual, as specified or (2) using coercive tactics or deliberately misrepresenting facts in order to obtain information. The Maryland Police Training and Standards Commission (MPTSC) must develop standards to implement the bill’s provisions.

Fiscal Summary

State Effect: MPTSC can likely develop the required standards with existing budgeted resources; the bill is otherwise not anticipated to materially affect State expenditures, as discussed below. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government expenditures, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Under Section 16-112 of the Transportation Article, unless an individual possesses a specified recall notice, each individual driving a motor vehicle on any highway in the State must display the individual's license to any uniformed police officer who demands it.

State/Local Expenditures: MPTSC advises that the development of the required standards necessitates a full-time permanent employee at an estimated cost of \$70,093 in fiscal 2022, increasing to \$91,347 in fiscal 2026. The Department of Legislative Services disagrees and advises that the bill's requirement can likely be handled with existing resources. The development of standards and procedures by MPTSC is part of the function of MPTSC; this bill alone is not burdensome. In addition, assistance can be drawn from national organizations, law enforcement agencies, and other stakeholders.

While the bill's requirements will necessitate law enforcement agencies to change procedures and practices, it is assumed that any additional training for State and local law enforcement officers to meet the bill's requirements can be handled via annual in-service law enforcement training programs without materially affecting State and local expenditures.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 589 (Senator Sydnor) - Judicial Proceedings.

Information Source(s): Anne Arundel and Garrett counties; City of Laurel; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Public Safety and Correctional Services; Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510