Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 426   (Delegate Rosenberg)

Judiciary

Vehicle Laws - Policies and Prohibition Against Discriminatory Traffic Stops

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This bill alters the model policy against race-based traffic stops that must be developed by the Maryland Police Training and Standards Commission (MPTSC) in consultation with the Maryland Statistical Analysis Center (MSAC) to be a model policy against traffic stops based on race, ethnicity, national origin, religion, gender identity, or sexual orientation. Information that must be reported by a law enforcement officer to a law enforcement agency each time the law enforcement officer makes a traffic stop is expanded to include the national origin, religion, gender identity, and sexual orientation of the driver. In addition, the requirement for a law enforcement agency to adopt a specified policy against race-based traffic stops is expanded to a policy against traffic stops based on race, ethnicity, national origin, religion, gender identity, or sexual orientation.

Fiscal Summary

State Effect: General fund expenditures increase by $250,100 in FY 2023 only. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	$0	$0	$0	$0	$0
GF Expenditure	250,100	0	0	0	0
Net Effect	($250,100)	$0	$0	$0	$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential minimal increase in local law enforcement expenditures for computer system updates to include information under the bill. Revenues are not affected.

Small Business Effect: None.

<center>**Analysis**</center>

Current Law: Since 2001, various laws have required law enforcement agencies in the State to (1) adopt policies against race-based traffic stops to be used as a management tool to promote nondiscriminatory law enforcement practices and (2) collect and report data related to race-based traffic stops. Chapters 625 and 626 of 2019 made permanent the data collection and reporting program related to race-based traffic stops.

MPTSC, in consultation with MSAC, must develop a model policy against race-based traffic stops that a law enforcement agency can use in developing its own policy. In addition, the commission is required to develop a model format for the efficient recording of traffic stop data on an electronic device, or by any other means, for use by a law enforcement agency and guidelines that each law enforcement agency may use in data evaluation.

Law enforcement officers must record specified information in connection with each traffic stop, including the driver's race and ethnicity, to evaluate the manner in which the vehicle laws are being enforced. The race or ethnicity of the driver must be recorded as (1) Asian; (2) Black; (3) Hispanic; (4) White; or (5) other. Each law enforcement agency is required to compile the data collected by its officers and submit an annual report to MSAC by March 1 of each year reflecting the prior calendar year.

These provisions do not apply to a law enforcement agency that is subject to an agreement with the U.S. Department of Justice (DOJ) requiring similar data collection; however, such agencies are required to provide copies of the report made to DOJ in lieu of the program's reporting requirements.

MSAC is charged with analyzing the data based on a methodology developed in consultation with MPTSC. By September 1 of each year, MSAC must issue a report to the Governor and the General Assembly as well as to each law enforcement agency. Reports of noncompliance by law enforcement agencies are required to be made by MPTSC and MSAC to the Governor and the Legislative Policy Committee.

By September 1 each year, MSAC must post on its website (in a location that is easily accessible to the public) a filterable data display showing all data required to be collected for the previous calendar year. The filterable data display must allow a person to (1) filter the traffic stop data by county, municipality, or law enforcement agency and (2) review various visuals associated with data items required to be reported pursuant to current law.

The Governor's Office of Crime Control and Prevention (now known as the Governor's Office of Crime Prevention, Youth, and Victim Services) must provide written notice to

the General Assembly when MSAC updates the information. The latest report can be found here.

State Expenditures: General fund expenditures increase by $250,109 in fiscal 2023 only, which accounts for the bill's October 1, 2022 effective date.

Relevant Background

Since January 1, 2013, all law enforcement agencies in Maryland that report race-based traffic stop data to MSAC must use E-TIX or the Department of State Police's (DSP) DataBak application. All data electronically submitted through DataBak goes directly to DSP, who then submits the information to MSAC. Most of the law enforcement agencies in the State currently use the DataBak application.

Generally, information relevant for the race-based traffic stop data is drawn directly from the driver's license of the person being issued the citation. The expanded information needed as a result of the bill requires law enforcement officers to ask additional questions of the person in order to meet the bill's requirements. This analysis assumes that the additional reporting requirements under the bill do not alter the decisions and behaviors of law enforcement officers in making and conducting traffic stops and that the person stopped has a right to refuse to answer the questions asked as a result of the bill.

Department of State Police

DSP advises that in order to implement the bill, one regular full-time position is needed to provide support to other law enforcement agencies regarding the changes to the DataBak application. However, the Department of Legislative Services (DLS) advises that support to law enforcement agencies regarding the updates is not a permanent duty and, therefore, can be performed by a contractual employee instead. Accordingly, general fund expenditures for DSP increase by $250,109 in fiscal 2023 only. This estimate reflects the cost of hiring one contractual programmer analyst for nine months to provide support regarding the changes to the DataBak application. It includes a salary, fringe benefits, one-time start-up costs (including computer programming), and ongoing operating expenses.

Contractual Position	1.0
Salary and Fringe Benefits	$40,866
Computer Programming	200,000
Other Operating Expenses	9,243
Total FY 2023 State Expenditures	**$250,109**

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Maryland Police Training and Standards Commission

MPTSC can implement the bill using existing budgeted resources.

Additional Information

Prior Introductions: HB 1046 of 2021 received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Howard and Prince George's counties; City of Annapolis; Governor's Office of Crime Prevention, Youth, and Victim Services; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2022
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