



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
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**POSITION ON PROPOSED LEGISLATION**

**DATE:** February 8, 2022

**BILL NUMBER:** House Bill 426                      **Position:** Letter of Concern

**BILL TITLE:** Vehicle Laws – Policies and Prohibition Against Discriminatory Traffic Stops

**REVIEW AND ANALYSIS:**

This legislation seeks to expand the data collection required through the Race Based Traffic Stop Program to include a person's national origin, religion, gender, gender identity, or sexual orientation. Additionally, the legislation requires that law enforcement agencies adopt a model policy against making traffic stops based solely on the person's national origin, religion, gender, gender identity, or sexual orientation.

In previous legislative sessions, the State has passed legislation which requires the collection and reporting of traffic stop data, specifically, the driver's gender, DOB, state and county of residence, and race or ethnicity. Law enforcement worked with the Committees to ensure the police officer and driver were not put in a position to discuss these personal factors. The information required by legislation was limited to those items reported on the driver's license.

House Bill 426 goes beyond any information reported on a driver's license, registration, or insurance card. This bill requires the law enforcement officer to ask the driver for personal information not captured on the driver's license. Because the data is not captured on any document the officer is given from the driver, the officer either has to guess the information, resulting in "unknown" being placed in the data fields, or ask the driver for the information required in this legislation.

The real danger caused by this legislation is the offensive questioning by the officer of the driver, specifically with personal questions required by this legislation that have nothing to do with the original traffic stop. This means the officer has to spend more time on the side of the road talking with the driver, which is already dangerous for both parties, and trying to avoid a confrontation because of the line of questioning.

Operationally, the Department of State Police (DSP) expects more road side arguments, an increase in complaints against officers for bias, and an increase in law suits. Overall citation and warnings will decrease or the data will not be captured as anything other than unknown, as no officer is going to want to ask a driver for this very personal information.

The Department agrees with all non-discriminatory practices while fully enforcing the laws of Maryland. House Bill 426 would create an adversarial interaction between law enforcement and the public. While the legislature and the citizens of Maryland want law enforcement to be impartial, this law would force law enforcement to ask very personal questions of someone who may already feel as though the officer is acting in a biased manner.