

HOUSE BILL 1046

R7, E4

1lr1022

By: **Delegate Rosenberg**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Policies and Prohibition Against Discriminatory Traffic Stops**

3 FOR the purpose of requiring the Maryland Police Training and Standards Commission in
4 consultation with the Maryland Statistical Analysis Center to expand a certain
5 model policy against race-based traffic stops to include certain other traffic stops;
6 requiring a law enforcement officer making a traffic stop to report certain
7 information to the law enforcement agency that employs the officer; requiring a law
8 enforcement agency to adopt a policy against traffic stops based solely on an
9 individual's national origin, religion, gender, gender identity, or sexual orientation;
10 and generally relating to law enforcement policies promoting nondiscriminatory law
11 enforcement.

12 BY repealing and reenacting, with amendments,

13 Article – Transportation

14 Section 25–113

15 Annotated Code of Maryland

16 (2020 Replacement Volume)

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

19 **Article – Transportation**

20 25–113.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(4) “Maryland Police Training and Standards Commission” means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.

(5) “Maryland Statistical Analysis Center” means the research, development, and evaluation component of the Governor’s Office of Crime Prevention, Youth, and Victim Services.

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

(ii) “Traffic stop” does not include:

1. A checkpoint or roadblock stop;
2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on the use of license plate reader technology.

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

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

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

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

(4) A model policy against [race-based] traffic stops **BASED ON RACE, ETHNICITY, NATIONAL ORIGIN, RELIGION, GENDER, GENDER IDENTITY, OR SEXUAL ORIENTATION** that a law enforcement agency may use in developing its policy in accordance with subsection (g) of this section.

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

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

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

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

11 (2) The approximate duration of the stop;

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

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

15 (5) If a search was conducted, the reason for the search, whether the search
16 was consensual or nonconsensual, whether a person was searched, and whether a person's
17 property was searched;

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

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

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

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

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

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

27 (12) The gender of the driver;

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

29 (14) The state and, if available on the driver's license, the county of
30 residence of the driver; [and]

(15) The race or ethnicity of the driver as:

(i) Asian;

(ii) Black;

(iii) Hispanic;

(iv) White; or

(v) Other;

(16) THE NATIONAL ORIGIN OF THE DRIVER;

(17) THE RELIGION OF THE DRIVER;

(18) THE GENDER IDENTITY OF THE DRIVER; AND

(19) THE SEXUAL ORIENTATION OF THE DRIVER.

(e) (1) A law enforcement agency shall:

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

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

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

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

(2) (i) On or before September 1 each year, the Maryland Statistical Analysis Center shall 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 § 2-1257 of the State Government Article.

(g) (1) A law enforcement agency shall adopt a policy against ~~[race-based]~~ traffic stops **BASED ON RACE, ETHNICITY, NATIONAL ORIGIN, RELIGION, GENDER, GENDER IDENTITY, OR SEXUAL ORIENTATION** 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, **NATIONAL ORIGIN, RELIGION, GENDER, GENDER IDENTITY, OR SEXUAL ORIENTATION** 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.

(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

1 and Standards Commission, the Maryland Statistical Analysis Center and the Maryland
2 Police Training and Standards Commission jointly shall report the noncompliance to the
3 Governor and the Legislative Policy Committee of the General Assembly.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2021.