

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 301

(Delegate Wilkins, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws – Race-Based Traffic Stops – Policy and Reporting Requirements

This bill makes permanent the data collection and reporting program related to race-based traffic stops by repealing its termination date. In addition, the bill repeals a requirement that the Maryland Statistical Analysis Center (MSAC) submit an annual report on the data to the Governor, the General Assembly, and each law enforcement agency. Instead, the bill requires MSAC to post data from the previous calendar year on its website in a location that is easily accessible and in a manner that is filterable by location and other factors. The Governor's Office on Crime Control and Prevention (GOCCP) has to provide written notice to the General Assembly when MSAC updates the information. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources. Revenues are not affected.

Local Effect: Making reporting of race-based traffic stops permanent does not materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: 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 or municipality or law enforcement agency and

(2) review various visuals associated with data items required to be reported pursuant to current law.

Beginning with data collected for calendar 2018, MSAC must include (and maintain) data from all prior years in the filterable data display.

Current Law: The Maryland Police Training and Standards Commission (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.

Background: Chapters 342 and 343 of 2001 required the State's law enforcement agencies to adopt a policy against race-based traffic stops as a management tool to promote nondiscriminatory law enforcement practices. Generally, since 2002 (and phased in over a three-year period based on agency size), Maryland law enforcement agencies have been required to collect and report traffic stop data. Initially, data collection and related reporting was required for a five-year period, but the requirement has been extended (or reestablished) multiple times, most recently by Chapter 127 of 2015, with a termination date of May 31, 2020, for the program.

According to GOCCP, funds for local law enforcement agencies to meet the requirements of the original legislation were never appropriated, and no reports of noncompliance were

ever made. However, in August 2011, GOCCP provided funding to the Department of State Police (DSP) to distribute to law enforcement agencies the technology to electronically submit data on traffic stop records. “E-Tix” and Race-Based Reporting Modules were developed as part of an overhaul of DSP’s Delta+ software. As a result, any agency with access to the software and these modules could submit data on individual traffic stops; DSP stored the data in a central repository. As of January 1, 2013, those law enforcement agencies have been required to report race-based traffic stop data electronically through the E-Tix and the Race-Based Reporting Modules of Delta+. As of February 2019, approximately 135 law enforcement agencies use E-tix.

In September 2018, GOCCP released the most recent report on traffic stops as required under Chapter 127 of 2015. **Exhibit 1** displays the overall breakdown of the race/ethnicity of drivers involved in traffic stops in calendar 2017. A complete text of the report, including appendices can be found [here](#).

Exhibit 1
Race/Ethnicity of Driver in Traffic Stops
2017

| | <u>Frequency</u> | <u>Percent</u> |
|------------------|-------------------------|-----------------------|
| Asian | 22,654 | 2.7% |
| African American | 341,737 | 40.1% |
| Hispanic | 70,391 | 8.3% |
| Other | 33,886 | 4.0% |
| White | 376,603 | 44.2% |
| Unknown | 7,528 | 0.9% |
| Total | 852,799 | 100.0% |

Source: Governor’s Office of Crime Control and Prevention

Additional Information

Prior Introductions: None.

Cross File: SB 417 (Senator Carter, *et al.*) - Judicial Proceedings.

Information Source(s): Montgomery and Prince George’s counties; City of Bowie; Office of the Attorney General; Governor’s Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Department of Public Safety and
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