

**Department of Legislative Services**  
 Maryland General Assembly  
 2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 508 (Senators Waugh and Conway)  
 Education, Health, and Environmental Affairs

**Interaction With Law Enforcement Officers - Development and Implementation  
 of Curriculum Content**

This bill requires the State Board of Education, by September 1, 2019, to develop curriculum content, to be included in a course required for high school graduation, relating to the proper interaction between individuals and law enforcement officers. By September 1, 2020, each local board of education must implement the curriculum in each high school in the county. The State board, the Motor Vehicle Administration (MVA), and the Maryland Police Training and Standards Commission (MPTSC) must collaborate to create curriculum content for individuals and law enforcement officers on the proper interaction between individuals and law enforcement officers during traffic stops and other in-person encounters. Finally, the bill requires MVA to modify the curriculum for driver education and the driver’s license examination to include a demonstration of the proper actions to be taken by a driver during a traffic stop, among other things.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$118,000 in FY 2019 and by \$80,900 in FY 2020. Transportation Trust Fund (TTF) expenditures increase by \$363,900 in FY 2019; future years are annualized and reflect ongoing costs. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	118,000	80,900	0	0	0
SF Expenditure	363,900	233,400	239,800	248,700	258,000
Net Effect	(\$481,900)	(\$314,300)	(\$239,800)	(\$248,700)	(\$258,000)

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

**Local Effect:** Local expenditures may increase beginning in FY 2019. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

## Analysis

### Bill Summary:

#### *State Board of Education*

The curriculum content developed by the State board must include information, consistent with the curriculum developed in collaboration with MPTSC and MVA, regarding:

- the duties, responsibilities, and roles of law enforcement officers;
- the rights of individuals when interacting with law enforcement officers;
- the proper behavior for individuals and law enforcement officer during interactions between individuals and law enforcement officers;
- laws pertaining to the questioning and detention of individuals by law enforcement officers, as specified; and
- the process and procedures for filing a complaint against or a compliment about a law enforcement officer.

In addition to the curriculum content developed by the State board, a local board may develop supplemental curriculum content that is relevant to that county and has been developed in consultation with a law enforcement agency located in that county.

#### *Maryland Police Training and Standards Commission*

MPTSC, the State board, and MVA must develop the required content on the proper interaction between individuals and law enforcement officers during traffic stops and other in-person encounters in consultation with specified entities. The curriculum content must include the same information as is required to be developed by the State board for high school graduation. MPTSC, the State board, and MVA may receive information from any interested party in developing the curriculum content and, before finalizing, must provide an opportunity for public comment.

MPTSC must require that the minimum course of study for entrance-level and biennial in-service training conducted by the State and each county and municipal police training school include training on:

- the rights of individuals when interacting with law enforcement officers;
- the proper behavior for individuals and law enforcement officer during interactions between individuals and law enforcement officers;
- laws pertaining to the questioning and detention of individuals by law enforcement officers, as specified; and

- the process and procedures for filing a complaint against or a compliment about a law enforcement officer.

### *Motor Vehicle Administration*

MVA must include in the examination for a driver's license applicant a demonstration of the applicant's ability to take proper actions during a traffic stop. In addition, the curriculum developed by MVA for driver education must include, consistent with the curriculum adopted by MPTSC, the State board, and MVA, a demonstration of the proper actions to be taken by a driver during a traffic stop and information similar to that which is required to be developed by the State board for high school graduation.

### **Current Law:**

*State Board of Education:* With the advice of the State Superintendent of Schools, the State board establishes basic policy and guidelines for the program of instruction for public schools. Subject to State law and the regulations, bylaws, policies, and guidelines established by the State board, each local board of education must establish the curriculum guides and courses of study for schools in its jurisdiction. Policies, rules, and regulations for the graduation of students from Maryland public schools are established by local boards of education and the State board.

The American Government Standards and Framework that support the American Government high school graduation requirement require that students:

- evaluate how the principles of government assist or impede the functioning of government by evaluating the balance between majority rule and the protection of individual rights, and identifying the rights in the Bill of Rights and how they protect individuals and limit the power of the government;
- know which rights/protections are addressed by the first ten amendments to the U.S. Constitution;
- analyze how the principles of government are applied to real world situations; and
- evaluate roles and policies the government has assumed regarding public issues by describing the impact of the rights and responsibilities of citizens on crime and punishment and incarceration.

*Maryland Police Training and Standards Commission:* Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within the Department of Public Safety and Correctional Services. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets

minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

MPTSC requirements include:

- for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of (1) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures; (2) the contact with and treatment of victims of crimes and delinquent acts; (3) the notices, services, support, and rights available to victims and victims' representatives under State law; and (4) the notification of victims of identity fraud and related crimes of their rights under federal law;
- for entrance-level police training and annually for in-service level police conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training in the proper use of electronic control devices for specified police officers, consistent with established law enforcement standards and constitutional provisions;
- for entrance-level police training and, as determined by MPTSC, for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions (1) training in lifesaving techniques, including cardiopulmonary resuscitation; (2) training in the proper level and use of force; (3) training regarding sensitivity to cultural and gender diversity; and (4) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities;
- for entrance-level police training and at least every two years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training,

attention to, and study of the application of antidiscrimination and use of force de-escalation training; and

- for entrance-level police training and for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling.

Training for the certification of law enforcement officers in the State may be conducted at MPTSC facilities or at any of 20 police training academies in the State certified by MPTSC. There are approximately 16,500 certified police officers in Maryland.

*Motor Vehicle Administration:* MVA must establish qualifications for the safe operation of the various classes, types, sizes, or combinations of vehicles and examine each applicant to determine the applicant's qualifications for the license class applied for. The required examination must include:

- a test of the applicant's vision; ability to read and understand highway signs regulating, warning, and directing traffic; and knowledge of the traffic laws of this State and safe driving practices;
- a demonstration of the applicant's ability to exercise reasonable control in driving a motor vehicle; and
- any other additional physical or mental examination that MVA considers necessary to determine an applicant's fitness to drive a motor vehicle safely.

If an applicant is qualified to take the required examinations for the license applied for, the applicant must appear in person for examination at any one of the places in the State that MVA has designated for this purpose.

MVA, in consultation with the State board, must adopt and enforce regulations to implement a standardized driver education program conducted by driver education schools under its jurisdiction. The regulations must include, among other things, curriculum standards for classroom, laboratory, and on-road instruction; standards for the certification of schools and instructors; and minimum student performance standards for an approved driver education program based upon the standardized curriculum approved by MVA, as specified.

**State Expenditures:** State expenditures (general/special funds) increase by \$481,898 in fiscal 2019 for the State board, MPTSC, and MVA to implement the bill's requirements. Future year expenditures are annualized and reflect ongoing costs.

*State Board of Education*

General fund expenditures for the State board increase by \$54,998 in fiscal 2019, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost of hiring a contractual educational program specialist for twenty months to develop the required curriculum content, build the memorandum of understanding with MPTSC and MVA, identify and conduct curriculum review groups, write and revise the curricular documents, gain approval from the State board for the new standards, conduct public review of the new standards, and provide professional development support for local boards prior to and during implementation of the bill's requirements. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$49,639
Operating Expenses	<u>5,359</u>
<b>Total FY 2019 State Board Expenditures</b>	<b>\$54,998</b>

Fiscal 2020 expenditures reflect a full salary with an increase and employee turnover and ongoing operating expenses. 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*

General fund expenditures for MPTSC increase by \$62,963 in fiscal 2019, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost of hiring a contractual curriculum development specialist for one year to develop the required curriculum, identify and conduct curriculum review groups, and write and revise the curriculum documents. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$57,604
Operating Expenses	<u>5,359</u>
<b>Total FY 2019 MPTSC Expenditures</b>	<b>\$62,963</b>

Fiscal 2020 expenditures reflect an increase in the salary and employee turnover and ongoing operating expenses. 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.

*Motor Vehicle Administration*

TTF expenditures increase by \$363,937 in fiscal 2019, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost of hiring 4.5 driver's license agents within MVA to process driver's license applications due to an increase in transaction time necessary for the required changes in the skills test. It includes salaries, fringe benefits, one-time start-up costs (including instructor training, revisions to driver education materials, and computer reprogramming), and ongoing operating expenses.

Positions	4.5
Salaries and Fringe Benefits	\$170,677
Training/Revisions/Programming	156,500
Operating Expenses	<u>36,760</u>
<b>Total FY 2019 MVA Expenditures</b>	<b>\$363,937</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

**Local Expenditures:** Local board of education expenditures may increase beginning in fiscal 2019 to develop and implement the required course in all public high schools.

The various local government agencies that conduct police entrance-level training and in-service training may need to modify existing training programs to meet the bill's requirements. Some local governments can modify their training programs with existing resources, while others may incur some additional minimal costs.

---

**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Commission on Civil Rights; Carroll, Cecil, Harford, and Montgomery counties; cities of Salisbury and Westminster; Town of Leonardtown; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland State Department of Education; Maryland Association of Boards of Education; 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 12, 2018  
mm/lgc

---

Analysis by: Shirleen M. E. Pilgrim

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