

HOUSE BILL 760

E2

9lr1682
CF SB 566

By: **Delegates Washington, Barron, Carr, Charkoudian, Kelly, Korman, R. Lewis, Moon, Solomon, and Sydnor**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Citations – Reporting**

3 FOR the purpose of requiring certain law enforcement officers to record certain information
4 pertaining to the issuance of certain citations; requiring the Maryland Police
5 Training and Standards Commission (MPTSC) and the Maryland Statistical
6 Analysis Center (MSAC), in consultation with the Administrative Office of the
7 Courts, to develop a certain format for the recording of certain data and to develop
8 certain procedures relating to the compilation and submission of certain data on or
9 before a certain date; requiring the MPTSC to develop certain guidelines for certain
10 data collection and a certain model policy relating to citations; requiring the MSAC
11 to analyze certain data based on a methodology developed in conjunction with the
12 MPTSC; requiring the MSAC to make certain reports to the General Assembly, the
13 Governor, and law enforcement agencies; requiring law enforcement agencies to
14 adopt certain policies regarding the issuance of certain citations; defining certain
15 terms; and general relating to the issuance of citations.

16 BY adding to
17 Article – Criminal Procedure
18 Section 4–101.1
19 Annotated Code of Maryland
20 (2018 Replacement Volume)

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

23 **Article – Criminal Procedure**

24 **4–101.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS**
4 **LISTED IN § 3–101(E) OF THE PUBLIC SAFETY ARTICLE AND THAT, IN ACCORDANCE**
5 **WITH SUBSECTION (D) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS**
6 **SECTION.**

7 **(3) “LAW ENFORCEMENT OFFICER” MEANS ANY PERSON WHO, IN AN**
8 **OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN**
9 **EMPLOYEE OF A LAW ENFORCEMENT AGENCY.**

10 **(4) “MARYLAND STATISTICAL ANALYSIS CENTER” MEANS THE**
11 **RESEARCH, DEVELOPMENT, AND EVALUATION COMPONENT OF THE GOVERNOR’S**
12 **OFFICE OF CRIME CONTROL AND PREVENTION.**

13 **(5) “MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”**
14 **MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND**
15 **CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY**
16 **ARTICLE.**

17 **(B) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION AND**
18 **THE MARYLAND STATISTICAL ANALYSIS CENTER, IN CONSULTATION WITH THE**
19 **ADMINISTRATIVE OFFICE OF THE COURTS, SHALL DEVELOP A FORMAT FOR THE**
20 **EFFICIENT RECORDING OF DATA REQUIRED TO BE SUBMITTED UNDER SUBSECTION**
21 **(E) OF THIS SECTION.**

22 **(C) ON OR BEFORE DECEMBER 31, 2019, THE MARYLAND POLICE**
23 **TRAINING AND STANDARDS COMMISSION, IN CONSULTATION WITH THE MARYLAND**
24 **STATISTICAL ANALYSIS CENTER, SHALL DEVELOP:**

25 **(1) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE AS**
26 **A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED UNDER SUBSECTION (E) OF**
27 **THIS SECTION FOR USE IN COUNSELING AND IMPROVED TRAINING; AND**

28 **(2) A MODEL POLICY AGAINST THE ISSUANCE OF A CITATION ON THE**
29 **BASIS OF RACE THAT A LAW ENFORCEMENT AGENCY CAN USE IN DEVELOPING ITS**
30 **POLICY IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.**

31 **(D) THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS**
32 **ONE OR MORE LAW ENFORCEMENT OFFICERS.**

1 **(E) EACH TIME A LAW ENFORCEMENT OFFICER ISSUES A CITATION IN**
2 **ACCORDANCE WITH § 4-101 OF THIS SUBTITLE, THAT OFFICER SHALL REPORT THE**
3 **FOLLOWING INFORMATION ON THE MARYLAND UNIFORM CITATION FORM**
4 **CONSISTENT WITH THE PROCEDURES DEVELOPED UNDER SUBSECTION (F) OF THIS**
5 **SECTION USING THE FORMAT DEVELOPED UNDER SUBSECTION (B) OF THIS**
6 **SECTION:**

7 **(1) THE DATE, LOCATION, AND TIME OF THE ISSUANCE OF THE**
8 **CITATION;**

9 **(2) THE OFFENSE CHARGED;**

10 **(3) THE GENDER OF THE OFFENDER;**

11 **(4) THE DATE OF BIRTH OF THE OFFENDER;**

12 **(5) THE STATE AND, IF AVAILABLE, THE COUNTY OF RESIDENCE OF**
13 **THE OFFENDER;**

14 **(6) THE ETHNICITY OF THE OFFENDER AS:**

15 **(I) HISPANIC OR LATINO; OR**

16 **(II) NOT HISPANIC OR LATINO;**

17 **(7) THE RACE OF THE OFFENDER AS:**

18 **(I) WHITE ALONE;**

19 **(II) BLACK OR AFRICAN AMERICAN ALONE;**

20 **(III) ASIAN ALONE;**

21 **(IV) NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER ALONE;**

22 **(V) SOME OTHER RACE ALONE;**

23 **(VI) TWO OR MORE RACES INCLUDING SOME OTHER RACE; OR**

24 **(VII) TWO OR MORE RACES EXCLUDING SOME OTHER RACE;**

25 **(8) IF A CITATION IS ISSUED IN LIEU OF MAKING AN ARREST, THE**
26 **BASIS FOR ISSUING A CITATION INSTEAD OF MAKING THE ARREST; AND**

1 **(9) IF AN ARREST IS MADE AND A CITATION IS SUBSEQUENTLY ISSUED**
2 **IN LIEU OF CONTINUED CUSTODY, THE BASIS FOR ISSUING THE CITATION INSTEAD**
3 **OF CONTINUING CUSTODY.**

4 **(F) ON OR BEFORE DECEMBER 31, 2019, THE MARYLAND POLICE**
5 **TRAINING AND STANDARDS COMMISSION AND THE MARYLAND STATISTICAL**
6 **ANALYSIS CENTER, IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE**
7 **COURTS, SHALL DEVELOP A PROCEDURE FOR:**

8 **(1) THE COMPILATION OF DATA REQUIRED TO BE COLLECTED UNDER**
9 **THIS SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED**
10 **UNDER SUBSECTION (B) OF THIS SECTION; AND**

11 **(2) THE SUBMISSION OF THE REPORT TO THE MARYLAND**
12 **STATISTICAL ANALYSIS CENTER NOT LATER THAN MARCH 1 OF THE FOLLOWING**
13 **CALENDAR YEAR, BEGINNING MARCH 1, 2021.**

14 **(G) (1) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL**
15 **ANALYZE THE ANNUAL REPORTS SUBMITTED UNDER SUBSECTION (F) OF THIS**
16 **SECTION BASED ON A METHODOLOGY DEVELOPED IN CONSULTATION WITH THE**
17 **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.**

18 **(2) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT**
19 **A REPORT OF THE FINDINGS, DISAGGREGATED BY JURISDICTION AND LAW**
20 **ENFORCEMENT AGENCY, TO THE GOVERNOR, EACH LAW ENFORCEMENT AGENCY,**
21 **AND, AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
22 **GENERAL ASSEMBLY ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING**
23 **SEPTEMBER 1, 2021.**

24 **(H) (1) A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY AGAINST**
25 **THE ISSUANCE OF A CITATION ON THE BASIS OF RACE THAT IS TO BE USED AS A**
26 **MANAGEMENT TOOL TO PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND**
27 **IN THE TRAINING AND COUNSELING OF ITS OFFICERS.**

28 **(2) (I) THE POLICY SHALL PROHIBIT THE PRACTICE OF USING AN**
29 **INDIVIDUAL'S RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO ISSUE A**
30 **CITATION.**

31 **(II) THE POLICY SHALL MAKE CLEAR THAT IT MAY NOT BE**
32 **CONSTRUED TO ALTER THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO MAKE**
33 **AN ARREST, CONDUCT A SEARCH OR SEIZURE, OR OTHERWISE FULFILL THE**
34 **OFFICER'S LAW ENFORCEMENT OBLIGATIONS.**

1 **(3) THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT**
2 **AGENCY TO PERIODICALLY REVIEW DATA COLLECTED UNDER SUBSECTION (E) OF**
3 **THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE MARYLAND**
4 **STATISTICAL ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS**
5 **SUBSECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.