

SENATE BILL 44

E4

6lr0959

(PRE-FILED)

By: **Senator Conway**

Requested: October 23, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Seat Belts – Operation of Motor Vehicle While Inmate or Person in Custody**
3 **Unrestrained – Prohibition**

4 FOR the purpose of prohibiting a correctional officer from operating a motor vehicle in
5 which an inmate is an occupant unless the inmate is restrained by a seat belt;
6 prohibiting a law enforcement officer from operating a motor vehicle in which a
7 person in custody is an occupant unless the person in custody is restrained by a seat
8 belt; requiring a certain lap belt and shoulder harness to be used under certain
9 circumstances; establishing certain civil penalties under certain circumstances;
10 defining certain terms; and generally relating to the use of seat belts to restrain
11 inmates or persons in custody.

12 BY adding to
13 Article – Correctional Services
14 Section 1–202
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2015 Supplement)

17 BY adding to
18 Article – Public Safety
19 Section 1–701 to be under the new subtitle “Subtitle 7. Seat Belt Restraint of Person
20 in Custody”
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2015 Supplement)

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

25 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **1-202.**

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

4 (2) "CORRECTIONAL OFFICER" HAS THE MEANING STATED IN § 8-201
5 OF THIS ARTICLE.

6 (3) "MOTOR VEHICLE" MEANS A VEHICLE THAT IS:

7 (I) REGISTERED OR CAPABLE OF BEING REGISTERED IN THE
8 STATE AS A CLASS A (PASSENGER), CLASS E (TRUCK), CLASS F (TRACTOR), CLASS
9 M (MULTIPURPOSE), OR CLASS P (PASSENGER BUS) VEHICLE; AND

10 (II) REQUIRED TO BE EQUIPPED WITH SEAT BELTS UNDER
11 FEDERAL MOTOR VEHICLE SAFETY STANDARDS CONTAINED IN THE CODE OF
12 FEDERAL REGULATIONS.

13 (4) "SEAT BELT" MEANS A RESTRAINING DEVICE DESCRIBED UNDER
14 § 22-412 OF THE TRANSPORTATION ARTICLE.

15 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
16 CORRECTIONAL OFFICER MAY NOT OPERATE A MOTOR VEHICLE IN WHICH AN
17 INMATE IS AN OCCUPANT UNLESS THE INMATE IS RESTRAINED BY A SEAT BELT.

18 (2) IF A MOTOR VEHICLE IS EQUIPPED WITH A COMBINATION LAP
19 BELT AND SHOULDER HARNESS, BOTH MUST BE USED TO RESTRAIN THE INMATE.

20 (C) IF A CORRECTIONAL OFFICER VIOLATES THIS SECTION AND THE
21 VIOLATION CONTRIBUTES TO THE SERIOUS PHYSICAL INJURY OR DEATH OF AN
22 INMATE, THE CORRECTIONAL OFFICER IS SUBJECT TO A CIVIL PENALTY OF UP TO
23 \$10,000.

24 (D) THE IMPOSITION OF A CIVIL PENALTY UNDER THIS SECTION DOES NOT
25 PRECLUDE THE PURSUIT OF ANY OTHER CIVIL REMEDY AUTHORIZED BY LAW.

26 Article – Public Safety

27 SUBTITLE 7. SEAT BELT RESTRAINT OF PERSON IN CUSTODY.

28 **1-701.**

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

3 **(2) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN §**
4 **3–101 OF THIS ARTICLE.**

5 **(3) “MOTOR VEHICLE” MEANS A VEHICLE THAT IS:**

6 **(I) REGISTERED OR CAPABLE OF BEING REGISTERED IN THE**
7 **STATE AS A CLASS A (PASSENGER), CLASS E (TRUCK), CLASS F (TRACTOR), CLASS**
8 **M (MULTIPURPOSE), OR CLASS P (PASSENGER BUS) VEHICLE; AND**

9 **(II) REQUIRED TO BE EQUIPPED WITH SEAT BELTS UNDER**
10 **FEDERAL MOTOR VEHICLE SAFETY STANDARDS CONTAINED IN THE CODE OF**
11 **FEDERAL REGULATIONS.**

12 **(4) “SEAT BELT” MEANS A RESTRAINING DEVICE DESCRIBED UNDER**
13 **§ 22–412 OF THE TRANSPORTATION ARTICLE.**

14 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LAW**
15 **ENFORCEMENT OFFICER MAY NOT OPERATE A MOTOR VEHICLE IN WHICH A PERSON**
16 **IN CUSTODY IS AN OCCUPANT UNLESS THE PERSON IN CUSTODY IS RESTRAINED BY**
17 **A SEAT BELT.**

18 **(2) IF A MOTOR VEHICLE IS EQUIPPED WITH A COMBINATION LAP**
19 **BELT AND SHOULDER HARNESS, BOTH MUST BE USED TO RESTRAIN THE PERSON IN**
20 **CUSTODY.**

21 **(C) IF A LAW ENFORCEMENT OFFICER VIOLATES THIS SECTION AND THE**
22 **VIOLATION CONTRIBUTES TO THE SERIOUS PHYSICAL INJURY OR DEATH OF A**
23 **PERSON IN CUSTODY, THE LAW ENFORCEMENT OFFICER IS SUBJECT TO A CIVIL**
24 **PENALTY OF UP TO \$10,000.**

25 **(D) THE IMPOSITION OF A CIVIL PENALTY UNDER THIS SECTION DOES NOT**
26 **PRECLUDE THE PURSUIT OF ANY OTHER CIVIL REMEDY AUTHORIZED BY LAW.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.