

# SENATE BILL 508

E4, F1, R4

8lr0938

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By: **Senators Waugh and Conway**

Introduced and read first time: January 29, 2018

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Interaction With Law Enforcement Officers – Development and Implementation**  
3 **of Curriculum Content**

4 FOR the purpose of ~~requiring the State Board of Education to develop curriculum content~~  
5 ~~relating to interaction between individuals and law enforcement officers to be~~  
6 ~~included in a certain course on or before a certain date; requiring each county board~~  
7 ~~of education to implement certain curriculum content developed by the State Board~~  
8 ~~in each high school in the county on or before a certain date; authorizing a county~~  
9 ~~board of education to develop certain additional curriculum content under certain~~  
10 ~~circumstances; requiring the Police Training and Standards Commission to require~~  
11 ~~that certain entrance level and in-service training conducted by the State and each~~  
12 ~~county and municipal police training school include certain training relating to~~  
13 ~~interaction between individuals and law enforcement officers; requiring the~~  
14 ~~Commission, the State Board, and the Motor Vehicle Administration to enter into a~~  
15 ~~certain memorandum of understanding to develop certain curriculum content for~~  
16 ~~individuals and law enforcement officers; requiring the Commission, the State~~  
17 ~~Board, and the Administration to develop certain curriculum content in consultation~~  
18 ~~with certain entities and agencies; requiring that certain curriculum content include~~  
19 ~~certain information; authorizing the Commission, the State Board, and the~~  
20 ~~Administration to receive information from certain persons in developing the~~  
21 ~~curriculum content; requiring the Commission, the State Board, and the~~  
22 ~~Administration to provide an opportunity for public comment before finalizing~~  
23 ~~certain curriculum content; providing that a driver's license examination shall~~  
24 ~~require an applicant to demonstrate the applicant's ability to take proper actions~~  
25 ~~during a traffic stop; requiring the Administration to include certain content in the~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~standardized driver education program curriculum developed by the Administration; defining certain terms; making conforming changes; and generally relating to the development and implementation of curriculum content pertaining to interaction with law enforcement officers~~ requiring that a driver's license examination require an applicant to demonstrate the applicant's ability to take proper actions during a traffic stop; requiring the Motor Vehicle Administration to include certain content in the standardized driver education program curriculum on the proper interaction between individuals and law enforcement officers during traffic stops; requiring the Administration to consult with certain entities to develop the curriculum; specifying certain required content of the curriculum; and generally relating to the development and implementation of curriculum content on proper interaction with law enforcement officers.

~~BY adding to~~

~~Article — Education~~

~~Section 7-205.4~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Public Safety~~

~~Section 3-207(a)(23) and (24)~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2017 Supplement)~~

~~BY adding to~~

~~Article — Public Safety~~

~~Section 3-207(a)(25) and 3-210~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Transportation

Section 16-110(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16-110(c) and 16-505

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

~~Article — Education~~

1 ~~7-205.4.~~

2       ~~(A) (1) ON OR BEFORE SEPTEMBER 1, 2019, THE STATE BOARD SHALL~~  
3 ~~DEVELOP CURRICULUM CONTENT, TO BE INCLUDED IN A COURSE REQUIRED FOR~~  
4 ~~GRADUATION, RELATING TO THE PROPER INTERACTION BETWEEN INDIVIDUALS~~  
5 ~~AND LAW ENFORCEMENT OFFICERS.~~

6       ~~(2) THE CURRICULUM CONTENT DEVELOPED UNDER PARAGRAPH (1)~~  
7 ~~OF THIS SUBSECTION SHALL INCLUDE INFORMATION, CONSISTENT WITH THE~~  
8 ~~CURRICULUM DEVELOPED UNDER § 3-219 OF THE PUBLIC SAFETY ARTICLE,~~  
9 ~~REGARDING:~~

10               ~~(I) THE DUTIES, RESPONSIBILITIES, AND ROLES OF LAW~~  
11 ~~ENFORCEMENT OFFICERS;~~

12               ~~(II) THE RIGHTS OF INDIVIDUALS WHEN INTERACTING WITH~~  
13 ~~LAW ENFORCEMENT OFFICERS;~~

14               ~~(III) THE PROPER BEHAVIOR FOR INDIVIDUALS AND LAW~~  
15 ~~ENFORCEMENT OFFICERS DURING INTERACTIONS BETWEEN INDIVIDUALS AND LAW~~  
16 ~~ENFORCEMENT OFFICERS;~~

17               ~~(IV) LAWS PERTAINING TO THE QUESTIONING AND DETENTION~~  
18 ~~OF INDIVIDUALS BY LAW ENFORCEMENT OFFICERS, INCLUDING INFORMATION~~  
19 ~~ABOUT:~~

20                       ~~1. WHEN AN INDIVIDUAL MAY BE REQUIRED TO DISPLAY~~  
21 ~~PROOF OF THE INDIVIDUAL'S IDENTITY TO A LAW ENFORCEMENT OFFICER; AND~~

22                       ~~2. POTENTIAL CONSEQUENCES FOR AN INDIVIDUAL OR~~  
23 ~~A LAW ENFORCEMENT OFFICER WHO FAILS TO COMPLY WITH LAWS PERTAINING TO~~  
24 ~~QUESTIONING AND DETENTION; AND~~

25               ~~(V) THE PROCESS AND PROCEDURE FOR FILING A COMPLAINT~~  
26 ~~AGAINST OR A COMPLIMENT ABOUT A LAW ENFORCEMENT OFFICER.~~

27       ~~(B) ON OR BEFORE SEPTEMBER 1, 2020, EACH COUNTY BOARD SHALL~~  
28 ~~IMPLEMENT THE CURRICULUM CONTENT DEVELOPED BY THE STATE BOARD UNDER~~  
29 ~~SUBSECTION (A) OF THIS SECTION IN EACH HIGH SCHOOL IN THE COUNTY.~~

30       ~~(C) IN ADDITION TO THE CURRICULUM CONTENT IMPLEMENTED UNDER~~  
31 ~~SUBSECTION (B) OF THIS SECTION, A COUNTY BOARD MAY DEVELOP SUPPLEMENTAL~~  
32 ~~CURRICULUM CONTENT THAT:~~

1 ~~(1) IS RELEVANT TO THE COUNTY IN WHICH THE CURRICULUM~~  
2 ~~CONTENT IS BEING TAUGHT; AND~~

3 ~~(2) HAS BEEN DEVELOPED IN CONSULTATION WITH A LAW~~  
4 ~~ENFORCEMENT AGENCY LOCATED IN THE COUNTY WHERE THE CURRICULUM~~  
5 ~~CONTENT IS BEING TAUGHT.~~

6 ~~Article — Public Safety~~

7 ~~§ 207.~~

8 ~~(a) The Commission has the following powers and duties:~~

9 ~~(23) to perform any other act, including adopting regulations, that is~~  
10 ~~necessary or appropriate to carry out the powers and duties of the Commission under this~~  
11 ~~subtitle; [and]~~

12 ~~(24) to consult and cooperate with commanders of SWAT teams to develop~~  
13 ~~standards for training and deployment of SWAT teams and of law enforcement officers who~~  
14 ~~are not members of a SWAT team who conduct no-knock warrant service in the State based~~  
15 ~~on best practices in the State and nationwide; AND~~

16 ~~(25) TO REQUIRE FOR ENTRANCE-LEVEL POLICE TRAINING, AND AT~~  
17 ~~LEAST EVERY 2 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY~~  
18 ~~THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT~~  
19 ~~THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE, CONSISTENT WITH~~  
20 ~~§ 3-219 OF THIS SUBTITLE, TRAINING IN:~~

21 ~~(I) THE RIGHTS OF INDIVIDUALS WHEN INTERACTING WITH~~  
22 ~~LAW ENFORCEMENT OFFICERS;~~

23 ~~(II) THE PROPER BEHAVIOR FOR INDIVIDUALS AND LAW~~  
24 ~~ENFORCEMENT OFFICERS DURING INTERACTIONS BETWEEN INDIVIDUALS AND LAW~~  
25 ~~ENFORCEMENT OFFICERS;~~

26 ~~(III) LAWS PERTAINING TO THE QUESTIONING AND DETENTION~~  
27 ~~OF INDIVIDUALS BY LAW ENFORCEMENT OFFICERS, INCLUDING INFORMATION~~  
28 ~~ABOUT:~~

29 ~~1. WHEN AN INDIVIDUAL MAY BE REQUIRED TO DISPLAY~~  
30 ~~PROOF OF THE INDIVIDUAL'S IDENTITY TO A LAW ENFORCEMENT OFFICER; AND~~

~~2. POTENTIAL CONSEQUENCES FOR AN INDIVIDUAL OR A  
LAW ENFORCEMENT OFFICER WHO FAILS TO COMPLY WITH LAWS PERTAINING TO  
QUESTIONING AND DETENTION; AND~~

~~(IV) THE PROCESS AND PROCEDURE FOR FILING A COMPLAINT  
AGAINST OR A COMPLIMENT ABOUT A LAW ENFORCEMENT OFFICER.~~

~~3-219.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
INDICATED:~~

~~(2) "ADMINISTRATION" MEANS THE MOTOR VEHICLE  
ADMINISTRATION.~~

~~(3) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.~~

~~(B) (1) THE COMMISSION, THE STATE BOARD, AND THE  
ADMINISTRATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING TO  
DEVELOP CURRICULUM CONTENT FOR INDIVIDUALS AND LAW ENFORCEMENT  
OFFICERS PERTAINING TO THE PROPER INTERACTION BETWEEN INDIVIDUALS AND  
LAW ENFORCEMENT OFFICERS DURING TRAFFIC STOPS AND OTHER IN PERSON  
ENCOUNTERS.~~

~~(2) THE COMMISSION, THE STATE BOARD, AND THE  
ADMINISTRATION SHALL DEVELOP THE CURRICULUM CONTENT IN CONSULTATION  
WITH:~~

~~(I) THE MARYLAND COMMISSION ON CIVIL RIGHTS;~~

~~(II) THE OFFICE OF THE PUBLIC DEFENDER;~~

~~(III) THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION; AND~~

~~(IV) THE AMERICAN CIVIL LIBERTIES UNION.~~

~~(3) THE CURRICULUM CONTENT DEVELOPED UNDER THIS SECTION  
SHALL INCLUDE INFORMATION REGARDING:~~

~~(I) THE DUTIES, RESPONSIBILITIES, AND ROLES OF LAW  
ENFORCEMENT OFFICERS;~~

~~(II) THE RIGHTS OF INDIVIDUALS WHEN INTERACTING WITH  
LAW ENFORCEMENT OFFICERS;~~

~~(III) THE PROPER BEHAVIOR FOR INDIVIDUALS AND LAW ENFORCEMENT OFFICERS DURING INTERACTIONS BETWEEN INDIVIDUALS AND LAW ENFORCEMENT OFFICERS;~~

~~(IV) LAWS PERTAINING TO THE QUESTIONING AND DETENTION OF INDIVIDUALS BY LAW ENFORCEMENT OFFICERS, INCLUDING INFORMATION ABOUT:~~

~~1. WHEN AN INDIVIDUAL MAY BE REQUIRED TO DISPLAY PROOF OF THE INDIVIDUAL'S IDENTITY TO A LAW ENFORCEMENT OFFICER; AND~~

~~2. POTENTIAL CONSEQUENCES FOR AN INDIVIDUAL OR A LAW ENFORCEMENT OFFICER WHO FAILS TO COMPLY WITH LAWS PERTAINING TO QUESTIONING AND DETENTION; AND~~

~~(V) THE PROCESS AND PROCEDURE FOR FILING A COMPLAINT AGAINST OR A COMPLIMENT ABOUT A LAW ENFORCEMENT OFFICER.~~

~~(4) (I) THE COMMISSION, STATE BOARD, AND ADMINISTRATION MAY RECEIVE INFORMATION FROM ANY INTERESTED PARTY IN DEVELOPING CURRICULUM CONTENT UNDER THIS SECTION.~~

~~(II) BEFORE FINALIZING CURRICULUM CONTENT DEVELOPED UNDER THIS SECTION, THE COMMISSION, STATE BOARD, AND ADMINISTRATION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT.~~

## Article – Transportation

16–110.

(a) The Administration shall:

(1) Establish qualifications for the safe operation of the various classes, types, sizes, or combinations of vehicles; and

(2) Examine each applicant to determine the applicant's qualifications for the license class applied for.

(c) The examination shall include:

(1) A test of the applicant's:

(i) Vision;

1 (ii) Ability to read and understand highway signs regulating,  
2 warning, and directing traffic; and

3 (iii) Knowledge of the traffic laws of this State and safe driving  
4 practices;

5 (2) A demonstration of the applicant's ability to [exercise]:

6 (I) EXERCISE reasonable control in driving a motor vehicle; and

7 (II) TAKE PROPER ACTIONS DURING A TRAFFIC STOP; AND

8 (3) Any other additional physical or mental examination that the  
9 Administration considers necessary to determine an applicant's fitness to drive a motor  
10 vehicle safely.

11 16-505.

12 (a) The Administration shall, in consultation with the State Department of  
13 Education, adopt and enforce regulations not inconsistent with this subtitle to implement  
14 a standardized driver education program conducted by driver education schools under its  
15 jurisdiction.

16 (b) Regulations adopted under this section shall be administered by the  
17 Administration and shall include:

18 (1) Curriculum, equipment, and facility standards for classroom,  
19 laboratory, and on-road instruction phases;

20 (2) Minimum student performance standards for an approved driver  
21 education program based upon the standardized curriculum approved by the  
22 Administration, consisting of at least 30 hours of classroom instruction and at least 6 hours  
23 of highway driving instruction;

24 (3) Standards for the certification of schools and instructors;

25 (4) A system to evaluate the effectiveness of the driver education program;

26 (5) Standards governing the required offering of the driver education  
27 program, based on the capacity, enrollment, staff, and facilities of the schools; and

28 (6) Standards for the eligibility of individuals to enroll in the program.

29 (C) (1) THE CURRICULUM ADOPTED UNDER SUBSECTION (B) OF THIS  
30 SECTION SHALL INCLUDE, ~~CONSISTENT WITH § 3-219 OF THE PUBLIC SAFETY~~

1 ~~ARTICLE:~~ CONTENT ON PROPER INTERACTION BETWEEN INDIVIDUALS AND LAW  
 2 ENFORCEMENT OFFICERS DURING TRAFFIC STOPS.

3 (2) THE ADMINISTRATION SHALL DEVELOP THE CURRICULUM  
 4 CONTENT REQUIRED UNDER THIS SUBSECTION IN CONSULTATION WITH:

5 (I) THE MARYLAND COMMISSION ON CIVIL RIGHTS; AND

6 (II) THE MARYLAND POLICE TRAINING AND STANDARDS  
 7 COMMISSION.

8 (3) THE CURRICULUM CONTENT REQUIRED UNDER THIS SUBSECTION  
 9 SHALL INCLUDE:

10 ~~(1)~~ (I) A DEMONSTRATION OF THE PROPER ACTIONS TO BE TAKEN  
 11 BY A DRIVER DURING A TRAFFIC STOP; AND

12 ~~(2)~~ (II) INFORMATION REGARDING:

13 ~~(I)~~ 1. THE DUTIES, RESPONSIBILITIES, AND ROLES OF LAW  
 14 ENFORCEMENT OFFICERS;

15 ~~(II)~~ 2. THE RIGHTS OF INDIVIDUALS WHEN INTERACTING  
 16 WITH LAW ENFORCEMENT OFFICERS;

17 ~~(III)~~ 3. THE PROPER BEHAVIOR FOR INDIVIDUALS AND LAW  
 18 ENFORCEMENT OFFICERS DURING INTERACTIONS BETWEEN INDIVIDUALS AND LAW  
 19 ENFORCEMENT OFFICERS;

20 ~~(IV)~~ 4. LAWS PERTAINING TO THE QUESTIONING AND  
 21 DETENTION OF INDIVIDUALS BY LAW ENFORCEMENT OFFICERS, INCLUDING  
 22 INFORMATION ABOUT:

23 ~~1.~~ A. WHEN AN INDIVIDUAL MAY BE REQUIRED TO DISPLAY  
 24 PROOF OF THE INDIVIDUAL'S IDENTITY TO A LAW ENFORCEMENT OFFICER; AND

25 ~~2.~~ B. POTENTIAL CONSEQUENCES FOR AN INDIVIDUAL OR  
 26 A LAW ENFORCEMENT OFFICER WHO FAILS TO COMPLY WITH LAWS PERTAINING TO  
 27 QUESTIONING AND DETENTION; AND

28 ~~(V)~~ 5. THE PROCESS AND PROCEDURE FOR FILING A  
 29 COMPLAINT AGAINST OR A COMPLIMENT ABOUT A LAW ENFORCEMENT OFFICER.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 31 October 1, 2018.