

SENATE BILL 716

R6
SB 640/14 – JPR

5lr2282
CF HB 917

By: **Senators Raskin, Astle, Bates, Benson, Feldman, Klausmeier, Lee, Montgomery, Muse, Norman, and Ready**

Introduced and read first time: February 11, 2015

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 18, 2015

Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2015

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Checkpoints – Prohibition on Targeting Motorcycles**

3 FOR the purpose of prohibiting a police officer at a motor vehicle checkpoint from targeting
4 only motorcycles for inspection or evaluation; creating a certain exception to the
5 prohibition for a police officer at a motor vehicle checkpoint established as part of a
6 police search or investigation; providing for the construction of a certain provision of
7 law governing obedience to a lawful order or direction of a police officer; defining a
8 certain term; and generally relating to inspections or evaluations at motor vehicle
9 checkpoints.

10 BY repealing and reenacting, with amendments,

11 Article – Transportation

12 Section 21–103

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2014 Supplement)

15 BY adding to

16 Article – Transportation

17 Section 25–114

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2014 Supplement)

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.



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

3 **Article – Transportation**

4 21–103.

5 (a) (1) A person may not willfully disobey any lawful order or direction of any
6 police officer.

7 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO AUTHORIZE A
8 POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT, AS DEFINED IN § 25–114 OF
9 THIS ARTICLE, TO TARGET ONLY MOTORCYCLES FOR INSPECTION OR EVALUATION,
10 EXCEPT AS APPROPRIATE AT A POLICE CHECKPOINT ESTABLISHED AS PART OF A
11 POLICE SEARCH OR INVESTIGATION.

12 (b) (1) A police officer may summon witnesses to testify under oath on any
13 charge brought under the Maryland Vehicle Law.

14 (2) A person may not willfully disobey a summons.

15 **25–114.**

16 (A) IN THIS SECTION, “CHECKPOINT” MEANS A PREDETERMINED FIXED
17 LOCATION AT WHICH A POLICE OFFICER STOPS A MOTOR VEHICLE OR A SPECIFIC
18 SEQUENCE OF MOTOR VEHICLES TO CONDUCT SAFETY INSPECTIONS, INSPECT
19 DRIVERS’ LICENSES OR REGISTRATIONS, OR EVALUATE DRIVERS FOR IMPAIRMENT.

20 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A POLICE
21 OFFICER AT A MOTOR VEHICLE CHECKPOINT MAY NOT TARGET ONLY MOTORCYCLES
22 FOR INSPECTION OR EVALUATION.

23 (C) A POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT ESTABLISHED AS
24 PART OF A POLICE SEARCH OR INVESTIGATION MAY TARGET MOTORCYCLES AS
25 APPROPRIATE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2015.