

SENATE BILL 107

E2, E4, Q7

8lr0081

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Office of Crime Control and Prevention)**

Requested: September 18, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 20, 2018

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Governor’s Office of Crime Control and Prevention and the**
3 **Maryland Statistical Analysis Center – Reporting Requirements**

4 FOR the purpose of repealing the requirement for the Governor’s Office of Crime Control
5 and Prevention to report certain information to certain committees of the General
6 Assembly regarding interrogation rooms; requiring the Office to place on its website
7 certain information relating to interrogation rooms; requiring the Office to provide a
8 paper copy of certain information under certain circumstances; repealing the
9 requirement for the Maryland Statistical Analysis Center to report to the Governor
10 and the General Assembly on certain information relating to the dissemination of
11 criminal history record information; requiring the Center to post certain information
12 on its website relating to the dissemination of certain criminal history record
13 information; repealing the requirement for the Office to compile and report certain
14 information relating to crime scene DNA collection and analysis to the Governor and
15 the General Assembly; requiring the Office, by a certain date at certain intervals, to
16 place on its website certain information relating to crime scene DNA collection and
17 analysis; repealing the requirement for the Office to make an annual report to the
18 General Assembly on certain law enforcement officer–involved deaths and deaths in
19 the line of duty; requiring the Office, by a certain date annually, to place on its
20 website certain information relating to law enforcement officer–involved deaths and
21 deaths in the line of duty; repealing the requirement for the Office to report certain
22 findings and recommendations relating to tax refunds to the Governor and the
23 General Assembly; requiring the Office to place on its website certain findings and

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 recommendations relating to tax refunds; repealing the requirement for the Center
2 to submit a certain report relating to traffic stops by law enforcement to the Governor
3 and the General Assembly; requiring the Center to place on its website certain
4 information relating to traffic stops by law enforcement; making clarifying and
5 stylistic changes; and generally relating to the Governor's Office of Crime Control
6 and Prevention and the Maryland Statistical Analysis Center.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 2–404 and 10–219(b)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 2–514 and 3–507(e)
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2017 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Public Safety
19 Section 3–507(b)
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Tax – General
24 Section 13–941
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2017 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Transportation
29 Section 25–113(a)(4), (d), and (e)
30 Annotated Code of Maryland
31 (2012 Replacement Volume and 2017 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article – Transportation
34 Section 25–113(f)
35 Annotated Code of Maryland
36 (2012 Replacement Volume and 2017 Supplement)

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

39 **Article – Criminal Procedure**

1 2-404.

2 (A) On or before December 31, [2009] **2018**, and annually thereafter, the
3 Governor's Office of Crime Control and Prevention shall [report to the House Judiciary
4 Committee and the Senate Judicial Proceedings Committee, in accordance with § 2-1246
5 of the State Government Article on] **PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE
6 LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED AND A
7 SUMMARY OF** the progress of jurisdictions and the Department of State Police in
8 establishing interrogation rooms capable of creating audiovisual recordings of custodial
9 interrogations.

10 (B) **ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
11 PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR FIRST-CLASS MAIL A
12 PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY PREPARED UNDER
13 SUBSECTION (A) OF THIS SECTION.**

14 10-219.

15 (b) (1) The Central Repository shall disseminate on a monthly basis
16 information concerning a child charged as an adult to the Maryland [Justice]
17 **STATISTICAL** Analysis Center of the [Institute of Criminal Justice and Criminology of the
18 University of Maryland] **GOVERNOR'S OFFICE OF CRIME CONTROL AND
19 PREVENTION.**

20 (2) In addition to any reportable event, as defined in § 10-215 of this
21 subtitle, the Central Repository shall include in its dissemination of information to the
22 Maryland [Justice] **STATISTICAL** Analysis Center the age, race, and gender of the child.

23 (3) The Central Repository may disseminate to the Maryland [Justice]
24 **STATISTICAL** Analysis Center unique identifiers relating to the child, including the name
25 of the child, fingerprint identification numbers, and record or file numbers.

26 (4) The information disseminated to the Maryland [Justice] **STATISTICAL**
27 Analysis Center in accordance with this subsection shall be used only for the purposes of
28 research, evaluation, and statistical analysis.

29 (5) Except as otherwise required under State law, the Maryland [Justice]
30 **STATISTICAL** Analysis Center may not disseminate criminal history record information
31 received from the Central Repository.

32 (6) (I) By June 30 and December 31 of each year, the Maryland
33 [Justice] **STATISTICAL** Analysis Center shall [report to the Governor, and, subject to §
34 2-1246 of the State Government Article, the General Assembly, on] **PLACE ON ITS
35 WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY**

1 SHOWING ALL DATA COLLECTED UNDER THIS SECTION AND A SUMMARY OF the
2 results of its research, evaluation, and statistical analysis.

3 (II) ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME
4 CONTROL AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR
5 FIRST-CLASS MAIL A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY
6 PREPARED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

7 Article – Public Safety

8 2–514.

9 (a) On or before April 1, 2010, and on or before April 1 of every even-numbered
10 year thereafter, each local law enforcement unit shall report to the Governor's Office of
11 Crime Control and Prevention on the status of crime scene DNA collection and analysis in
12 its respective jurisdiction for the preceding calendar year, and the Department shall report
13 to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA
14 collection statewide for the preceding calendar year, including:

- 15 (1) the crimes for which crime scene DNA evidence is routinely collected;
- 16 (2) the approximate number of crime scene DNA evidence samples
17 collected during the preceding year for each category of crime;
- 18 (3) the average time between crime scene DNA evidence collection and
19 analysis;
- 20 (4) the number of crime scene DNA evidence samples collected and not
21 analyzed at the time of the study;
- 22 (5) the number of crime scene DNA evidence samples submitted to the
23 statewide DNA data base during the preceding year; and
- 24 (6) the number of crime scene DNA evidence samples, including sexual
25 assault evidence, collected by hospitals in the county during the preceding year.

26 (b) (1) [The] ON OR BEFORE DECEMBER 31, 2018, AND ON OR BEFORE
27 DECEMBER 31 OF EVERY EVEN-NUMBERED YEAR THEREAFTER, THE Governor's
28 Office of Crime Control and Prevention shall [compile the information reported by the local
29 law enforcement units and the Department under subsection (a) of this section and submit
30 an annual summary report to the Governor and, in accordance with § 2–1246 of the State
31 Government Article, the General Assembly] PLACE ON ITS WEBSITE IN AN EASILY
32 ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL DATA
33 COLLECTED UNDER THIS SECTION AND A SUMMARY OF THE INFORMATION
34 REPORTED.

(2) ON REQUEST, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR FIRST-CLASS MAIL A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

3-507.

(b) Every year, on or before March 1, 2016, and March 1 of each subsequent year, each local law enforcement agency shall provide the Governor’s Office of Crime Control and Prevention with information, for the previous calendar year, about each officer-involved death and death in the line of duty that involved a law enforcement officer employed by the agency, to include at a minimum:

(1) the age, gender, ethnicity, and race of a deceased individual;

(2) the age, gender, ethnicity, and race of the officer involved;

(3) a brief description of the circumstances surrounding the death;

(4) the date, time, and location of the death; and

(5) the law enforcement agency of the officer who:

(i) died, if the incident involved an officer who died in the line of duty; or

(ii) detained, arrested, or was in the process of arresting the deceased, if the incident involved an officer-involved death.

(e) (1) [The] ON OR BEFORE JUNE 30 EACH YEAR, THE Governor’s Office of Crime Control and Prevention shall **[make an annual report on] PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SECTION AND A SUMMARY OF** the incidence of officer-involved deaths and deaths in the line of duty in the State **[to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before June 30 of each year].**

(2) ON REQUEST, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR FIRST-CLASS MAIL A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

Article – Tax – General

13-941.

1 (a) The Governor's Office of Crime Control and Prevention, in consultation with
2 the Comptroller, shall:

3 (1) study:

4 (i) the total number of tax refunds withheld by the Comptroller
5 under this part;

6 (ii) the average amount of the tax refunds withheld by the
7 Comptroller;

8 (iii) the potential differences in the service of warrants or requests by
9 warrant officials to the Comptroller to withhold tax refunds under the program based on
10 race;

11 (iv) the types of warrants and specific charges that prompted the
12 requests by warrant officials to the Comptroller to withhold refunds, including warrants
13 related to criminal violations, civil matters, motor vehicle violations, and failures to appear;

14 (v) the effectiveness of withholding refunds on resolving
15 outstanding warrants in each jurisdiction of the State; and

16 (vi) whether any withheld refunds were contested; and

17 (2) make recommendations regarding continued implementation of the
18 program in a manner that ensures that the program does not disparately impact
19 individuals on racial grounds.

20 (b) **(1)** On or before December 31 of each year, the Governor's Office of Crime
21 Control and Prevention shall [report its findings and recommendations to the Governor
22 and, in accordance with § 2-1246 of the State Government Article, the General Assembly]
23 **PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA**
24 **DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SECTION AND A SUMMARY OF**
25 **ITS FINDINGS AND RECOMMENDATIONS.**

26 **(2) ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME CONTROL**
27 **AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR FIRST-CLASS MAIL**
28 **A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY PREPARED UNDER**
29 **PARAGRAPH (1) OF THIS SUBSECTION.**

30 Article – Transportation

31 25-113.

32 (a) (4) "Maryland Statistical Analysis Center" means the research,
33 development, and evaluation component of the Governor's Office of Crime Control and

1 Prevention.

2 (d) Each time a law enforcement officer makes a traffic stop, that officer shall
3 report the following information to the law enforcement agency that employs the officer
4 using the format developed under subsection (b)(1) of this section:

5 (1) The date, location, and time of the stop;

6 (2) The approximate duration of the stop;

7 (3) The traffic violation or violations alleged to have been committed that
8 led to the stop;

9 (4) Whether a search was conducted as a result of the stop;

10 (5) If a search was conducted, the reason for the search, whether the search
11 was consensual or nonconsensual, whether a person was searched, and whether a person's
12 property was searched;

13 (6) Whether any contraband or other property was seized in the course of
14 the search;

15 (7) Whether a warning, safety equipment repair order, or citation was
16 issued as a result of the stop;

17 (8) If a warning, safety equipment repair order, or citation was issued, the
18 basis for issuing the warning, safety equipment repair order, or citation;

19 (9) Whether an arrest was made as a result of either the stop or the search;

20 (10) If an arrest was made, the crime charged;

21 (11) The state in which the stopped vehicle is registered;

22 (12) The gender of the driver;

23 (13) The date of birth of the driver;

24 (14) The state and, if available on the driver's license, the county of
25 residence of the driver; and

26 (15) The race or ethnicity of the driver as:

27 (i) Asian;

28 (ii) Black;

1 (iii) Hispanic;

2 (iv) White; or

3 (v) Other.

4 (e) (1) A law enforcement agency shall:

5 (i) Compile the data described in subsection (d) of this section for
6 the calendar year as a report in the format required under subsection (b)(3) of this section;
7 and

8 (ii) Submit the report to the Maryland Statistical Analysis Center
9 no later than March 1 of the following calendar year.

10 (2) A law enforcement agency that is exempt under subsection (c)(2) of this
11 section shall submit to the Maryland Statistical Analysis Center copies of reports it submits
12 to the United States Department of Justice in lieu of the report required under paragraph
13 (1) of this subsection.

14 (f) (1) The Maryland Statistical Analysis Center shall analyze the annual
15 reports of law enforcement agencies submitted under subsection (e) of this section based on
16 a methodology developed in consultation with the Police Training Commission.

17 (2) (I) **[The] ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE**
18 **Maryland Statistical Analysis Center shall [submit a report of the findings to the Governor,**
19 **the General Assembly in accordance with § 2-1246 of the State Government Article, and**
20 **each law enforcement agency before September 1 of each year] PLACE ON ITS WEBSITE**
21 **IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL**
22 **DATA COLLECTED UNDER THIS SECTION AND A SUMMARY OF THE FINDINGS.**

23 (II) **ON REQUEST, THE GOVERNOR'S OFFICE OF CRIME**
24 **CONTROL AND PREVENTION SHALL PROVIDE BY PERSONAL DELIVERY OR**
25 **FIRST-CLASS MAIL A PAPER COPY SHOWING THE DATA DISPLAY AND THE SUMMARY**
26 **PREPARED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

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