

HOUSE BILL 197

E2

(PRE-FILED)

1r1447
CF 1r2007

By: **Delegate Wilson**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Police Officers – Stop Procedures**
3 **(Know Your Rights Act)**

4 FOR the purpose of requiring a police officer to display certain identification and provide
5 certain information to certain individuals at the commencement of a certain stop,
6 with a certain exception; requiring a police officer to inform certain passengers and
7 occupants of a certain vehicle of a certain right at a certain time; prohibiting a police
8 officer from seizing certain items without a warrant or using certain tactics or
9 deliberately misrepresenting facts for a certain purpose at a certain time; requiring
10 the Maryland Police Training and Standards Commission to adopt certain
11 standards; defining certain terms; and generally relating to police procedures.

12 BY adding to
13 Article – Criminal Procedure
14 Section 2–109
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

17 BY adding to
18 Article – Public Safety
19 Section 3–207(j)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

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

24 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2-109.**

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

4 (2) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE
5 PUBLIC SAFETY ARTICLE.

6 (3) (I) "STOP" MEANS AN INSTANCE IN WHICH A POLICE OFFICER
7 RESTRICTS THE LIBERTY OF AN INDIVIDUAL BASED ON A SUSPECTED VIOLATION OF
8 ANY LAW.

9 (II) "STOP" INCLUDES INSTANCES OF LIMITED SEARCH AND
10 SEIZURE CONDUCTED UNDER § 4-206 OF THE CRIMINAL LAW ARTICLE.

11 (4) "TRAFFIC STOP" MEANS AN INSTANCE WHEN A POLICE OFFICER
12 STOPS THE DRIVER OF A MOTOR VEHICLE AND DETAINS THE DRIVER FOR ANY
13 PERIOD OF TIME FOR A SUSPECTED VIOLATION OF THE MARYLAND VEHICLE LAW
14 OR ANY OTHER LAW.

15 (B) AT THE COMMENCEMENT OF A TRAFFIC STOP OR OTHER STOP, ABSENT
16 EXIGENT CIRCUMSTANCES, A POLICE OFFICER SHALL:

17 (1) DISPLAY PROPER IDENTIFICATION TO THE STOPPED INDIVIDUAL;

18 (2) PROVIDE THE FOLLOWING INFORMATION TO THE STOPPED
19 INDIVIDUAL:

20 (I) THE OFFICER'S NAME;

21 (II) THE OFFICER'S BADGE NUMBER;

22 (III) THE NAME OF THE LAW ENFORCEMENT AGENCY THE POLICE
23 OFFICER IS REPRESENTING; AND

24 (IV) THE REASON FOR THE TRAFFIC STOP OR OTHER STOP; AND

25 (3) INFORM THE STOPPED INDIVIDUAL OF THE RIGHT:

26 (I) TO REFUSE TO SPEAK OR PROVIDE INFORMATION TO THE
27 POLICE OFFICER;

28 (II) TO BE INFORMED OF THE JUSTIFICATION FOR THE STOP;

1 AND

2 (III) TO TERMINATE THE INTERACTION.

3 (C) AT THE COMMENCEMENT OF A TRAFFIC STOP, A POLICE OFFICER SHALL
4 INFORM ALL OCCUPANTS OF THE VEHICLE, OTHER THAN THE DRIVER, OF THE RIGHT
5 TO REFUSE TO PROVIDE IDENTIFICATION TO THE POLICE OFFICER.

6 (D) DURING A TRAFFIC STOP OR OTHER STOP, A POLICE OFFICER MAY NOT:

7 (1) SEIZE A PERSONAL ITEM FROM AN INDIVIDUAL, INCLUDING A
8 CELL PHONE OR OTHER RECORDING DEVICE, WITHOUT A WARRANT; OR

9 (2) USE COERCIVE TACTICS OR DELIBERATELY MISREPRESENT
10 FACTS IN ORDER TO OBTAIN INFORMATION.

11 Article – Public Safety

12 3–207.

13 (J) THE COMMISSION SHALL DEVELOP STANDARDS TO IMPLEMENT THE
14 REQUIREMENTS OF § 2–109 OF THE CRIMINAL PROCEDURE ARTICLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2021.