



State of Maryland
Department of State Police
Government Affairs Section
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POSITION ON PROPOSED LEGISLATION

DATE: March 10, 2021

BILL NUMBER: House Bill 1046 **POSITION:** Letter of Concern

BILL TITLE: Vehicle Laws – Policies and Prohibition Against
Discriminatory traffic stops

This legislation seeks to expand the data collection required through the Race Based Traffic Stop Program to include a person's national origin, religion, gender, gender identity, or sexual orientation. Additionally, the legislation requires that law enforcement adopt a model policy against making traffic stops based solely on the person's national origin, religion, gender, gender identity, or sexual orientation.

In previous legislative sessions, the State has passed legislation which requires the collection and reporting of traffic stop data, specifically, the driver's gender, DOB, state and county of residence, and race or ethnicity. Law enforcement worked with the Committees to ensure the police officer and driver were not put in a position to discuss these personal factors. The information required by legislation was limited to those items reported on the driver's license.

House Bill 1046 goes beyond any information reported on a driver's license, registration, or insurance card. This bill requires the law enforcement officer to ask the driver for personal information not captured on the driver's license. Because the data is not captured on any document the officer is given from the driver, the officer either has to guess the information, resulting in "unknown" being placed in the data fields, or ask the driver for the information required in this legislation. The real danger to the officer is the offensive questioning of the driver with personal questions that having nothing to do with the original traffic stop. First, this means the officer has to spend more time on the side of the road talking with the driver and trying to avoid a confrontation, and second, the officer will be receiving a complaint about their behavior.

Operationally, the MSP expects more road side arguments, an increase in complaints against officers for bias, and an increase in law suits. Overall citation and warnings will decrease or the data will not be captured as anything other than unknown, as no officer is going to want to ask a driver for this very personal information.

The Department agrees with all non-discriminatory practices while fully enforcing the laws of Maryland. House Bill 1046 would create an adversarial interaction between law enforcement and the public. While the legislature and the citizens of Maryland want law enforcement to be impartial, this law would force law enforcement to ask very personal questions of someone who may already feel as though the officer is acting in a biased manner.