



Committee: PS
Committee Review: N/A
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To withdraw bill pursuant to Council Rule 6(g)
Keywords: #STEPAct

AGENDA ITEM #11
February 6, 2024
Withdrawal

SUBJECT

Bill 12-23, Police – Traffic Stops – Limitations (The Safety and Traffic Equity in Policing (STEP) Act)

Lead Sponsor: Councilmember Jawando

Co-Sponsor: Councilmember Mink

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- A motion followed by roll call vote, under Council Rule 6g, on whether to withdraw Bill 12-23.
- A motion may be made by an original sponsor of the bill to withdraw the bill.
- A majority vote is required to withdraw the bill.

DESCRIPTION/ISSUE

Bill 12-23 would:

- (1) prohibit a stop for certain traffic offenses by a police officer;
- (2) prohibit consent searches of a vehicle by a police officer;
- (3) require the collection of data and information related to traffic stops;
- (4) exclude the limitations on traffic stops from collective bargaining; and
- (5) generally amend the County law regarding motor vehicle traffic policing.

SUMMARY OF KEY DISCUSSION POINTS

- Bill 12-23 was introduced on February 28, 2023.
- A public hearing was held on April 25, 2023.
- The lead sponsor wishes to withdraw the Bill.

This report contains:

Bill 12-23

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Bill No. 12-23
Concerning: Police – Traffic Stops –
Limitations (The STEP Act)
Revised: 10/18/2023 Draft No. 13
Introduced: February 28, 2023
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando
Co-Sponsor: Councilmember Mink

AN ACT to:

- (1) prohibit a stop by a police officer for certain traffic offenses;
- (2) prohibit consent searches of a vehicle by a police officer;
- (3) require the collection of data and information related to traffic stops;
- (4) exclude the limitations on traffic stops from collective bargaining; and
- (5) generally amend the County law regarding motor vehicle traffic policing.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-80

By adding

Montgomery County Code
Chapter 35, Police
Article V, Traffic Stops
Sections 35-26, 35-27, 35-28, and 35-29

Boldface	<i>Heading or a defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland, approves the following act:

28 Maryland Vehicle Law means the Transportation Article of the
 29 Maryland Code, specifically, Title 13, 16, 17, 21, and 22, as amended.

30 Police officer means a sworn officer employed by the County to direct
 31 or regulate traffic or arrest for violations of any provisions of the
 32 Maryland Vehicle Law, local traffic laws, or regulations.

33 Traffic stop means any instance when a police officer stops the driver
 34 of a motor vehicle in the County and detains the driver for any period
 35 of time.

36 **35-27. Traffic Stops – Limitations.**

37 (a) Intent. The intent of this Article is to:

- 38 (1) promote fairness to reduce racial disparities;
- 39 (2) promote safety and reduce community trauma;
- 40 (3) improve community policing relations; and
- 41 (4) further the County’s Vision Zero goals.

42 (b) Compliance with laws. The provisions under this Section must comply
 43 with the Constitution of the United States and the State of Maryland.

44 (c) Limitation on traffic stops. A police officer must not conduct a stop or
 45 detain a person operating a motor vehicle, solely for a suspected
 46 violation of the following provisions of the Maryland Vehicle Law:

- 47 (1) under Title 13, 16, or 17 of the Transportation Article, including
 48 certificates of title, vehicle licensing, registration, or insurance;
 49 or
- 50 (2) under Title 22 of the Transportation Article:
 - 51 (A) §22-101(a). Driving with improper equipment;
 - 52 (B) §22-201.1. Lighted lamps required;
 - 53 (C) §22-201.2. Use of headlights while windshield wipers are
 54 operated under certain weather conditions;

- 55 (D) §22-203(b). Headlights;
- 56 (E) §22-204(f). Illumination of rear license plate;
- 57 (F) §22-206. Stop lamps and turn signals;
- 58 (G) §22-209. Color of lamps and lighting equipment;
- 59 (H) §22-210(c). Rear red-light reflectors;
- 60 (I) §22-219(a). Stoplights;
- 61 (J) §22-219(g). Glare or dazzling lamp lights;
- 62 (K) §22-223. Use of multi-beam road lighting;
- 63 (L) §22-226(a). Number of driving lights required;
- 64 (M) §22-404(a). Signs, posters, and other nontransparent
65 materials on windshields; or
- 66 (N) §22-406. Window Tinting; and
- 67 (O) nothing in this subsection prohibits a police officer from
68 conducting a traffic stop if the driver of a motor vehicle
69 does not have at least one lighted headlamp and one rear
70 lamp light displayed; or
- 71 (3) a police officer must not conduct a traffic stop of a person for a
72 suspected pedestrian violation under Title 21 of the
73 Transportation Article:
- 74 (A) §21-203(c). Crossing against a walk signal; or
- 75 (B) §21-503. Crossing at other than crosswalks.
- 76 (d) Warning and citations for secondary violations. A police officer who
77 conducts a traffic stop and identifies, as a secondary traffic violation, a
78 violation of any Maryland Vehicle Law stated in subsection (c), must:
- 79 (1) for the first offense, issue a verbal or written warning; and
- 80 (2) for a second or subsequent offense, issue a citation.
- 81 (e) Limitation on questioning and consent searches.

(1) A police officer must not extend the duration of a traffic stop for longer than needed to address the original purpose of the stop unless:

(A) there is reasonable articulable suspicion that a crime has been committed; or

(B) is being committed.

(2) A police officer must only ask for permission to conduct a consent search of a person or vehicle if reasonable suspicion or probable cause for a criminal offense arises during the stop.

(f) Disciplinary action. A violation of a provision under subsection (c) or (e) by a police officer would be subject to disciplinary action in accordance with the Approved Uniform Disciplinary Matrix prepared by the Maryland Police Training and Standards Commission.

35-28. Reporting requirements.

(a) Reporting requirements.

(1) In conjunction with the reporting requirements under §25-113 of the Transportation Article of the Maryland Code, a police officer must collect data and information for each traffic stop that describes the initial reason justifying the stop; and

(2) a police officer may, under a policy directive or applicable law, issue a warning or citation for an offense that differs from the initial reason for the stop, but the report must state the initial reason.

(b) Annual report – required. By July 1 of each year, the Chief of Police must submit to the County Executive and the County Council and publish on its website, a report for the preceding year on:

(1) data on each traffic stop as specified in subsection (a);

- 109 (2) any deidentified data collection related to biased stops on a per-
 110 police officer basis;
- 111 (3) any complaints received by the Montgomery County Police
 112 Department related to a biased stop by a police officer; and
- 113 (4) a list of allegations and sustained violations of the provisions in
 114 this Article by a police officer.

115 **35-29. Severability clause.**

116 The provisions of this Article are severable and if any
 117 provisions, clause, sentence, section, word, or part is held illegal,
 118 invalid, unconstitutional, or inapplicable to any person or
 119 circumstances, such illegality, invalidity, or unconstitutionality, or
 120 inapplicability must not affect or impair any of the remaining
 121 provisions, clauses, sentences, sections, words or parts of the Article or
 122 their applications to other persons or circumstances. It is the legislative
 123 intent that this Article would have been adopted if such illegal, invalid,
 124 or unconstitutional provision, clause, sentence, section, word, or part
 125 had not been included, and if the person or circumstance to which the
 126 Article or part is inapplicable had been specifically exempted from such
 127 provisions.