

# Climate Assessment

## Office of Legislative Oversight

### Bill 12-23: Police – Traffic Stops – Limitations

#### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 12-23 will have no impact on the County's contribution to addressing climate change as the actions proposed by the Bill will likely not affect greenhouse gas emissions, nor community resilience.

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#### BACKGROUND AND PURPOSE OF BILL 12-23

Racial disparities in traffic stops, the most frequent type of engagement between police offices and the public, has been a concern nationally and locally.<sup>1</sup> As described in OLO Report 2021-10, "[s]tudies show that Black and Latino drivers are stopped and searched during traffic stops for lower-level traffic violations at disproportionately higher rates compared to White drivers."<sup>2</sup> Locally, OLO Report 2022-12 recently found that racial disparities in traffic stops persisted or worsened between FY18 and FY22.<sup>3</sup>

As described in the introduction staff report, the purpose of Bill 12-23, the Safety and Traffic Equity in Policing (STEP) Act, "is to promote fairness by reducing racial disparities that occur during a traffic stop, promote safety and reduce community trauma by limiting traffic stops, improve community policing relations, and further the County's Vision Zero goals." If enacted, Bill 12-23 would:<sup>4</sup>

- **Prohibit a police officer from conducting a stop for certain traffic offenses.** The Bill would prohibit traffic stops by police officers based solely on suspected violation of traffic offenses related to licensing and registration; certificate of title or insurance; window tinting; defective headlamp or taillight; illuminated license plate; minor windshield obstructions; and other provisions under Title 22 of Maryland Vehicle Law. The Bill would also prohibit traffic stops of a person for suspected violation of crossing against a walk signal or crosswalk (i.e., jaywalking). If a police officer identifies one of these offenses as a secondary violation after conducting an initial traffic stop for a reason not prohibited under this Bill, the officer must first issue a verbal or written warning for the secondary violation and issue a citation for the second or subsequent offenses.
- **Prohibit a police officer from conducting consent searches of a vehicle.** Under the Bill, a police officer could ask for permission to conduct a consent search of a person or vehicle only if the officer has reasonable suspicion or probable cause to believe that a criminal offense arose during the traffic stop.
- **Require the collection of data and information related to traffic stops.** The Bill would require the Chief of Police to collect, publish, and report traffic stop data on the initial reason justifying each traffic stop; biased stops on a per-police officer basis;<sup>5</sup> complaints related to a biased stop by a police officer; and alleged and sustained violations of provisions of this Bill.

The provisions of this Bill would be excluded from collective bargaining. An officer who violates a provision under this Bill would be subject to disciplinary action in accordance with the state approved Uniform Disciplinary Matrix.<sup>6</sup>

Bill 12-23, Police – Traffic Stops – Limitations, was introduced by the Council on February 28, 2023.

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## ANTICIPATED IMPACTS

As Bill 12-23's proposed actions would likely have no effect on greenhouse gas emissions or community resilience, OLO anticipates the Bill will have no impact on the County's contribution to addressing climate change.

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## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>7</sup> OLO does not offer recommendations or amendments as Bill 12-23 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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## CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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## PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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<sup>1</sup> Introduction Staff Report for Bill 12-23, Montgomery County Council, Introduced February 28, 2023.

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230228/20230228\\_2B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230228/20230228_2B.pdf)

<sup>2</sup> Leslie Rubin and Blaise DeFazio, OLO Report 2021-10, Office of Legislative Oversight, July 27, 2021.

[https://www.montgomerycountymd.gov/OLO/Resources/Files/2021\\_Reports/OLOReport21-10.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2021_Reports/OLOReport21-10.pdf)

<sup>3</sup> Natalia Carrizosa, OLO Memorandum Report 2022-12, Office of Legislative Oversight, October 25, 2022.

[https://www.montgomerycountymd.gov/OLO/Resources/Files/2022\\_reports/OLOReport2022-12.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLOReport2022-12.pdf)

<sup>4</sup> Introduction Staff Report for Bill 12-23

<sup>5</sup> Under Bill 12-23, a biased stop is defined as a traffic stop in which a member inappropriately considers characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, or disability, in deciding whether to initiate a stop.

<sup>6</sup> Statewide Police Disciplinary Matrix, Maryland Police Training & Standards Commission, June 9, 2022.

[https://mdle.net/pdf/Commission\\_Approved\\_Uniform\\_Disciplinary\\_Matrix.pdf](https://mdle.net/pdf/Commission_Approved_Uniform_Disciplinary_Matrix.pdf)

<sup>7</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022