

Climate Assessment

Office of Legislative Oversight

Bill 2-24: Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection (“Freedom to Leave Act”)

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 2-24 will have no impact as the proposed changes to traffic stop procedures would not affect the County’s contribution to addressing climate change, nor community climate resilience.

BACKGROUND AND PURPOSE OF BILL 2-24

The Fourth Amendment to the U.S. Constitution, “protects citizens from unreasonable search and seizure.”¹ The Fourth Amendment establishes that, “[t]he government may not conduct any searches without a warrant, and such warrants must be issued by a judge and based on probable cause.”²

The U.S. Supreme Court has established exceptions “that make a warrantless search or seizure reasonable and legal.”³ During a traffic stop, the most common exceptions used by a police officer include:⁴

- Probable cause to believe there is evidence of a crime in a vehicle;
- The owner or occupant of the vehicle has been arrested and the search is related to the arrest; or
- The owner or occupant has given the officer consent for the search.

The purpose of Bill 2-24, The Freedom to Leave Act, “is to build community trust by prohibiting consent searches of motor vehicles during a traffic stop, which disproportionately affect Black and Brown residents and corrode public trust in law enforcement and the government.” Bill 2-24 would replace Bill 12-23, the STEP Act, to include components that do not conflict with state law.⁵ If enacted, Bill 2-24 would:⁶

- **Prohibit consent search of a motor vehicle or person during a traffic stop.** Bill 2-24 would prohibit a Montgomery County Police Department (MCPD) officer from asking a driver or occupant for consent to search a vehicle or person during a traffic stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the search of a vehicle or person during a traffic stop.
- **Prohibit consent to extend duration of a traffic stop.** Bill 2-24 would prohibit an MCPD officer from asking a driver or occupant for consent to extend the duration of a traffic stop beyond the time needed to address the primary purpose of the stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the extended duration of a traffic stop.
- **Require the collection of certain data and information related to traffic stops.** Bill 2-24 would require an MCPD officer to collect several data points during each traffic stop, ranging from the number of police officers that responded to the traffic stop to the observed violation that initially prompted the stop and the type of detention used during the stop.

- **Require annual reporting of traffic stop data.** Bill 2-24 would require MCPD to provide an annual report to the County Executive and County Council on the analysis of traffic stop data points and race-based data that is reported to the state and make the report publicly available on MCPD’s website. Other information that would be required in the report includes MCPD’s rationale for emphasizing traffic enforcement in certain areas; any de-identified data that shows trends or patterns on a per-police officer basis; and any complaints and de-identified data on discrimination-related traffic stop complaints received by MCPD or the Police Accountability Board.

An MCPD officer who violates a provision of the Bill would be subject to disciplinary action in accordance with the state-approved Uniform Disciplinary Matrix.⁷ Additionally, the provisions of this Bill would not be subject to collective bargaining.⁸

The Council introduced Bill 2-24, Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection, on February 6, 2024.

ANTICIPATED IMPACTS

As the bill proposes changes to traffic stop procedures, OLO anticipates Bill 2-24 will 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.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁹ OLO does not offer recommendations or amendments as Bill 2-24 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.

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.

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 adaptive 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.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [The Constitution](#), The White House.

² Ibid.

³ [Introduction Staff Report for Bill 2-24](#), Montgomery County Council, Introduced February 6, 2024.

⁴ Ibid.

⁵ Ginny Bixby, "[Jawando tries a new bill to limit police searches after AG nixes STEP Act](#)," MoCo360, February 6, 2024.

⁶ Introduction Staff Report for Bill 2-24

⁷ [Statewide Police Disciplinary Matrix Resource Guide](#), Maryland Police and Correctional Training Commissions, Updated March 9, 2023.

⁸ Introduction Staff Report for Bill 2-24

⁹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022