

Economic Impact Statement

Montgomery County, Maryland

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 that enacting Bill 2-24 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

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.

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

- **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.

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 2-24 on County-based private organizations and residents in terms of the Council’s priority economic indicators and whether the Bill would likely result in a net positive or negative impact on overall economic conditions in the County.⁹ While changes to policing practices could have indirect economic impacts on individuals, information limitations prevent OLO from estimating them. For this reason, OLO anticipates that the Bill would have an insignificant, direct impact on private organizations, residents, and overall economic conditions in the County in terms of the indicators prioritized by the Council.

VARIABLES

Not applicable

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 Montgomery County Code, Sec. 2-81B.

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

DISCUSSION ITEMS

Not applicable

WORKS CITED

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

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

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

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

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. 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.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.