

**STORAGE NAME:** h0769a.tr

**DATE:** April 7, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 769

**RELATING TO:** Traffic Stop Statistics

**SPONSOR(S):** Representative Roberts

**COMPANION BILL(S):** SB 1456 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TRANSPORTATION YEAS 8 NAYS 3
- (2) LAW ENFORCEMENT & CRIME PREVENTION
- (3) CRIMINAL JUSTICE APPROPRIATIONS
- (4)
- (5)

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**I. SUMMARY:**

The bill requires the Department of Law Enforcement to conduct an annual study of stops made by law enforcement officers for routine traffic violations. The study would include an analysis of various aspects of the stops and the information gathered must be compiled into an annual report. The report is to be provided to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

The fiscal impact to the state and local governments is indeterminate. State and local law enforcement agencies would be responsible for collecting the required information on each traffic stop and then recording the information in a manner that would be usable to the Department of Law Enforcement. The direct fiscal impact on state agencies and local governments is unknown because of the difficulty in determining whether collecting the information can be incorporated into current traffic stop practices or would require additional work for law enforcement officers to perform.

According to the Department of Law Enforcement, a new form would have to be developed for purposes of collecting information required by the bill. Creating, maintaining, and editing a new data base would require resources for programming, input, and records maintenance. The Department of Law Enforcement estimates a first year impact of \$8.5 million, and a recurring impact of \$7.6 million.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Profiling is a process where law enforcement officers use predetermined characteristics (such as age, race, location, time of day, and sex) to identify potential criminal behavior. Nationally, there is limited research and studies that suggest some law enforcement officers use profiles that include race to make routine traffic stops and initiate a series of events that lead to questioning and searches.

The ACLU indicated that a study by John Lamerth, Ph.D. shows statistically significant disparities between the percentage of black Interstate 95 motorists legitimately subject to stops by Maryland State Police and the percentage of black motorists detained and searched by the Maryland State Police. Four thousand three hundred and forty one (4,341), or 75.6 percent of the cars had white drivers and the vast majority of all drivers were observed violating traffic laws and were eligible to be stopped by the state police. "Between January 1995 and September 1996, the Maryland State Police reported searching 823 motorists on I-95, north of Baltimore... Of these, 600, or 72.9 percent were black. Six hundred and sixty-one, or 80.3 percent were black, hispanic, or other racial minorities. Only 19.7 percent of those searched in this corridor were white."

While some limited evidence exists, there has been no systematic effort at the federal or state levels to document the extent of such practices. According to the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement, information for reporting purposes is not currently collected by law enforcement officers during routine traffic stops in Florida.

The Department of Law Enforcement estimates that there are between 32 and 35 million traffic stops in Florida annually. This estimate is based on the assumption that 1 in 10 to 12 traffic stops results in a citation being issued. In 1997, approximately 3.2 million citations were issued.

Due to the lack of formal research at the national and state level, there are questions and concerns regarding the extent to which a motorist's race plays in a law enforcement officer's decision to pull someone over.

B. EFFECT OF PROPOSED CHANGES:

The bill requires the Department of Law Enforcement to conduct an annual study of stops made by law enforcement officers for routine traffic violations. The study requires an analysis of various aspects of the stops and the information gathered must be compiled into an annual report. The report is to be provided to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

This bill requires that a record be kept by law enforcement agencies as to the number of stops, race/ethnicity/age characteristics of drivers, types of traffic infractions which led to the traffic stop, whether a search was initiated, and if so, how the search was initiated, and the rationale for the search, whether any contraband was discovered, and if so, the nature of the contraband, whether any warning or citation was issued, or whether an arrest was made, a record of quantity and value of contraband seized, and whether any items were seized for forfeiture.

According to the Department of Law Enforcement, a new form would have to be developed for purposes of collecting the information required by the bill. State and local law enforcement agencies would have to ensure that each stop is documented and accounted for during the year.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate, see D., Fiscal Comments

2. Recurring Effects:

Indeterminate, see D., Fiscal Comments

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate, see D., Fiscal Comments

2. Recurring Effects:

Indeterminate, see D., Fiscal Comments

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

According to the Department of Law Enforcement, a new form would have to be developed for purposes of collecting information required by the bill. Creating, maintaining, and editing a new data base would require resources for programming, input, and records maintenance. The Department of Law Enforcement estimates a first year impact of \$8.5 million, and a recurring impact of \$7.6 million.

State and local law enforcement agencies would be responsible for collecting the required information on each traffic stop and then recording the information in a manner that would be usable to the Department. The direct fiscal impact on state agencies and local governments is unknown because of the difficulty in determining whether collecting the information can be incorporated into current traffic stop practices or would require additional work for law enforcement officers to perform.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 7, 1999, the Committee on Transportation adopted 1 amendment to HB 769. The amendment requires FDLE to report summarized statistical information on traffic stops in the Department's semiannual report, beginning with the year 2002 report. The amendment also provides for more objective information to be collected in order to facilitate collecting and reporting the information.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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Thomas E. Duncan

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John R. Johnston