

February 1, 2023

Senate Judicial Proceedings Committee

Written Testimony

SB51 – Criminal Procedure - Reasonable Suspicion and Probable Cause - Cannabis

Position: **Favorable**

As a resident of Frederick County, I am writing to urge your favorable report on SB51, which would ban police stops and searches based on the mere odor of marijuana.

Last year Maryland voters voted overwhelmingly to legalize marijuana for adult recreational use. It is time to bring other laws into line with this new policy. Our current legal standards still allow police to stop and or search an individual based solely on the order of marijuana. *This practice needs to end.* Marylanders should not fear police stops or searches based on the use of a legal substance.

I support public safety and also uphold the Fourth Amendment right to be free of unreasonable search and seizure. From a human and civil rights perspective, the smell of marijuana should not be used as probable cause to search a person's vehicle. Several other states, including Virginia in New York have ended that practice. Maryland should do the same.

This is also an equity issue. Statistics show that Maryland police are twice as likely to search Black drivers and vehicles during traffic stops compared to White drivers, disproportionately citing probable cause. Because there is no way to confirm or disprove that the smell of marijuana was detected, an officer's claim of "I smelled marijuana" can too easily be used as a pretext for an unconstitutional search. My hope is that removing this pretext will protect the rights of ALL residents to be free of unreasonable search and seizure. Maryland needs to work harder to end racial profiling. SB 51 can be part of that progress.

I urge a favorable report on SB51.

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