



Testimony for the Senate Judicial Proceedings Committee

Thursday, February 2nd, 2023

SB 51 - Criminal Procedure - Reasonable Suspicion and Probable Cause - Cannabis

FAVORABLE

Dear Chair Smith, Vice Chair Waldstreicher, and committee members,

We write to you to express our uttermost support for Senate Bill 51 (SB51) on behalf of Peaceful Resistance in Southern Maryland (PRISM). We are a grassroots social justice organization comprised of life-long Maryland residents. We understand how essential it is that our legislators in Annapolis push for a favorable report on Senate Bill 51 in its current posture.

With marijuana becoming legal in Maryland, we believe it is vital our legislators now prioritize banning searches based on the smell of marijuana, or perception thereof, in order to protect our Black and brown neighbors from being racially profiled and harassed by police. Despite data proving that Black people and white people use marijuana at comparable rates, police arrest Black people at higher rates than white people in *every* county in Maryland¹. Since PRISM's inception in 2020, we have heard from dozens of people who have been impacted by odor searches. Many community members do not speak up due to their fears of being retaliated against by the police. Although marijuana is now legal in Maryland, unless SB51 is passed, Black and brown people will continue to be disproportionately stopped and searched based solely on the smell of marijuana – a completely legal substance.

Odor searches are an egregious loophole for police to justify racial profiling, and they must be abolished. We urge a favorable report on SB51 to ensure that every person in Maryland, regardless of race, has the freedom to exercise their rights without fearing police harassment.

¹ <https://www.aclu-md.org/en/press-releases/every-county-black-people-more-likely-be-arrested-marijuana-possession>