

## HB 1071 - Criminal Procedure - Reasonable Suspicion and Probable Cause - Cannabis

### FAVORABLE WITH AMENDMENTS

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

My name is Anita Lampel. I live in D.16 and am a retired child and adolescent psychologist. I am here today to express my support for House Bill 1071 and urge the committee to adopt an amendment that would codify a strong exclusionary rule in the bill.

After decades of proof of the economic and racial harm deliberately caused by marijuana criminalization and enforcement, Marylanders have voted to legalize adult use and possession of the substance. This is a major step forward in repairing the harms done by the “war on drugs”, which, as the data has made clear, is really a war on Black and Brown people. Black and Brown young people are arrested for marijuana at high rates, even though White young people are actually more likely to possess marijuana and smoke it.

But, there are still dangerous loopholes in the new marijuana legalization legislation. One of the more egregious loopholes is that the police still have the power to conduct investigatory stops and vehicle searches based *solely* on their belief that they smelled marijuana.

Marijuana odor has been used as a loophole to justify racial profiling, intrusive searches, and police escalation for far too long. I urge you to codify an **exclusionary rule** that would bar evidence obtained in violation of the statute from being used in criminal proceedings, rather than leaving discretion up to judges to decide if such evidence should be admissible. This rule is needed to deter violations of the statute and provide some form of redress for victims of illegal searches.

For the foregoing reasons, I urge the committee to issue a favorable report with the aforementioned amendments on HB 1071.

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