

HB1071 Favorable with Amendments
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I support HB1071 with amendments.

HB1071 provides an exception for law enforcement officers to search motor vehicles within the proximity of the driver if there is suspicion of impairment. This would allow the law enforcement officer to use the odor of cannabis to suspect impairment and thus search. The fact that the search would be limited would not prevent the use of odor as a pretext for stopping and searching minorities.

The law requires reasonable suspicion before a search can be warranted. The odor of cannabis is indistinguishable from the odor of hemp. Hemp is non-intoxicating. Therefore, cannabis odor is not a reasonable indication of intoxication. If I smoke tobacco in my car, police can't use that as a reason to search my vehicle. Police can't search my car for alcohol solely because they can smell mouthwash on my breath. There can be no exception that allows odor to be used as a reason to conduct a search.

Please strike 1-211 section B.

Thank you,
Rusty Carr