

## Testimony for the Senate Judicial Proceedings Committee

Thursday, March 30th, 2023

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

#### FAVORABLE

Honorable Chair Smith, Vice Chair Waldstreicher, and esteemed members of the Senate Judicial Proceedings Committee,

The Lower Shore Progressive Caucus is honored to voice our support for House Bill 1071. As an organization covering districts 37 and 38, we have witnessed firsthand the devastating impact of marijuana criminalization on our communities.

The legalization of adult use and possession of cannabis in Maryland is a critical step towards repairing the harms caused by the war on drugs, particularly its disproportionate impact on Black and Brown people. However, there are still dangerous loopholes that can be used to racially profile individuals and violate their Fourth Amendment rights.

One such loophole is the ability of law enforcement to conduct investigatory stops and vehicle searches based solely on their belief that they smelled marijuana. This practice has been used to justify racial profiling, intrusive searches, and police escalation for far too long.

As such, we believe that an explicit exclusionary rule is crucial to adequately protect the Fourth Amendment rights of Black and Brown Marylanders. Maryland courts have made it clear that unless the exclusionary rule is explicitly stated in legislation, it does not automatically apply. This is why we urge this committee to include an exclusionary rule in HB 1071 to deter police from violating the law and obtaining evidence as a result of an illegal search.

We strongly believe that the smell or perception of a soon-to-be legal substance should not be used to justify a stop and search of an individual or their vehicle. This bill will move all of our communities towards the current times, and we urge this committee to **vote "Yes"** on SB 51 / HB 1071.