

Testimony for the Senate Judicial Proceedings Committee
Thursday, March 30, 2023
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 Beverly John. I have lived in Prince George's County, District 47 since 1998. I would like to express my support for House Bill 10071 and urge the committee to adopt an amendment that would codify a strong exclusionary rule in the bill.

Providing the police power to stop citizens or to search their vehicles based on a *real*, *perceived*, or *fabricated* smell of marijuana is inherently discriminatory and used to profile Black and Brown people disproportionately. We have gained ground in acknowledging the negative economic impact and harm to our communities caused by the Nixon era "war on drugs." Marylanders have voted to legalize adult use and possession of the substance and should be free to use the substance without fear of getting caught in this loophole. With legalized use of the substance, how can you continue to use the odor as justification to stop and search?

The passage of House Bill 1071 would help decrease the racial profiling of Black and Brown Marylanders and help protect our Fourth Amendment rights. It is time to confront this "war on drugs" mentality that has destroyed so many communities and lives in our state.

As we look forward to legalization, this body must ensure that the smell, or perception of a smell, of a soon-to-be legal substance cannot be used to justify a stop and search of an individual or their vehicle. I also 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 a provision that would leave 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 a favorable report with the referenced amendments on House Bill 1071.

Thank you.