

HB1071\_JoShifrin\_FWA

Date of Hearing: March 30, 2023

Jo Shifrin

Bethesda, MD 20817

**TESTIMONY ON HB1071 - POSITION: FAVORABLE**

**Criminal Law and Procedure - Cannabis- Fines for Smoking in Public,  
Stops, and Searches**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Jo Shifrin

**OPENING: My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in support of HB1071, Criminal Procedure - Reasonable Suspicion and Probable Cause - Cannabis.**

I live in Bethesda and I am a Jew. The concept of *tzelem elohim* - the idea that all people are created in the Divine image and, therefore, are equally precious and worthy of dignity and respect – is central to Judaism. It is so central that our sacred texts teach us that the destruction of one life is the same as destroying the whole world. Unfortunately, in Maryland, we know that lives are destroyed every day through the interactions between the police and people of color, when the police claim they can smell cannabis.

Since the advent of the War on Drugs, people of color have been disproportionately arrested and convicted of drug possession. Their history of incarceration, even when they have completed serving their time in prison, often prevents them from engaging in the things that most of us take for granted, like renting a place to live and being employed.

The scent of cannabis is overused as a rationale for searches. Odor stops and searches facilitate racial profiling. In Maryland, police are twice as likely to search Black drivers and their vehicles during traffic stops than white drivers.

An overwhelming majority of Maryland voters have decided that the possession and use of marijuana should be decriminalized. Even with the change in Maryland law, situations would still remain in which police officers would be able to stop and search an individual or their vehicle based on *the officer's assertion* that there was an odor of cannabis. This infringes on everyone's right to privacy. Moreover, given the degree of systemic racism in our country, it is not surprising that Blacks and other people of color have been – and are more likely to continue to be – stopped and searched using this rationale. And, as we know, police stops have led to interactions in which people have been harmed or killed.

Now that the recreational use of cannabis is legal, it does not make sense for the odor associated with its use to be the basis for interactions between the people of Maryland and the police. I believe that the removal of these pretextual stops will keep all Marylanders safer. *However, the ‘exclusionary rule’ must be codified into the bill. If the exclusionary rule is not codified, the bill will not be enforceable and will not deter the police from conducting illegal searches.*

**I respectfully urge this committee to return a favorable with amendments report on HB 1071.**