

Date of Date of Hearing: 3/30/2023

Amy Ruddle
Silver Spring, MD 20901

TESTIMONY ON HB1071 - POSITION: FAVORABLE WITH AMENDMENTS
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: Amy Ruddle

My name is Amy Ruddle. I am a resident of District 20. I am submitting this testimony in support of HB1071, Criminal Procedure - Reasonable Suspicion and Probable Cause – Cannabis.

I am a small business owner, attend Temple Emanuel synagogue in Kensington, MD, and am also a member of and volunteer for the National Alliance on Mental Illness (NAMI) of Montgomery County. I am compelled to provide testimony in favor of HB1071 because of my Jewish values: a central tenet of my faith is the principal of tikkun olam, which means it is my responsibility to actively fight social, racial, and economic inequity in my community (and the world at large). I also write today as an individual living with mental illness who is also able to articulate my lived experience, and I believe it is my responsibility to advocate for myself and people like me. It's because of these values that I write my testimony today.

I am in favor of banning odor searches because I believe that an important component of public safety is limiting unnecessary interactions between police and community members. Historically, Marylanders of color, immigrants, members of the LGBTQ+ community, people with disabilities, and those experiencing mental health crises have often been harmed by police, regardless of police intention. As someone who advocates constantly for reducing unnecessary police interaction from the mental health crisis perspective, I am doing the same today in support of the rights of the aforementioned groups, especially black Marylanders who are more likely to be stopped and searched by police.

Research shows that traffic stops disproportionately injure and kill drivers of color. To continue allowing merely the odor of cannabis to be probable cause to remove someone from their car adds greater danger to traffic stops and increases the likelihood of people of color being unjustly criminalized. Furthermore, with the upcoming legalization of cannabis in Maryland, it makes absolutely no sense to continue to use the odor of a legal substance as probable cause for a search. Common sense dictates that non-criminal behavior is not probable cause for a warrantless search.

Additionally, it is essential that the exclusionary rule be codified in the bill. If the exclusionary rule is not codified in this bill, police will not be deterred from conducting illegal searches, but instead will be encouraged to keep committing these searches in the hopes of finding evidence they can later use in court. I care very much about public safety, and the well-being of people in my community. So it is deeply concerning to me that as of July 1, 2023, if this bill is not passed, we will be setting up a trap for individuals engaging in legal activities. Someone engaging in a legal activity, who is causing no harm to the community, could be stopped, searched, and then dragged through the criminal justice system based on whatever an officer finds during an illegal search. This is a serious potential violation of fourth amendment rights, but worst of all, means more people being introduced to the criminal justice system.

I believe passing this legislation with the codification of the exclusionary rule will help to reduce unnecessary police interactions with members of the community and will help protect Marylanders' right to privacy. This, in turn, will help to transform public safety in our community. **I respectfully urge this committee to return a favorable with amendments report on HB1071.**