

Testimony for the House Judiciary Proceedings Committee

Thursday, March 9th, 2023

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

Cannabis

FAVORABLE

Dear Chair Smith, Vice Chair Waldstreicher, and committee members,

My name is Kiki Wilson. I am a Frederick, Maryland native, District 3, and am the owner of a media company that covers underrepresented communities. I am here today to express my support for House Bill 1071.

Being the poster child takes great responsibility. It is accountability without empathy or context or in this case, fact. Long have minorities been the fall guy for heavy drug use and deemed undeserving of understanding. Smoking at the same rate of the majority but facing more arrests is an abandonment of fact and justice. Marylanders have voted to legalize adult use and possession of the substance. But, there are still dangerous loopholes left that can be used to racially profile Black and Brown Marylanders and violate their Fourth Amendment protections. One of the more egregious loopholes is the police having the power to conduct investigatory stops and vehicle searches based *solely* on their belief that they smelled marijuana. While we get harsher judgments for being the poster child; it still doesn't negate the fact that no one should be saving bail for a blunt.

I know many stories, even one of my own, that resulted in unwarranted arrests for weed from being harassed for smoking on one's own front porch steps to being stopped and frisked by law enforcement because of the smell of weed.

My father wrote a letter to the Frederick Police Department in 2016 about an unwarranted interaction I had with local officers. It was the start of the January blizzard and I was pulled out of my car by police while parking on the side of the road alongside my neighborhood to be detained in freezing weather and have my car searched. The police thought it suspicious that I used street parking - unaware of the parking policy in that respective neighborhood while among 20 other cars - and used the smell of marijuana to justify the search. After 40 minutes of being handcuffed on the curb in single digit weather and no marijuana found - I was free to go. Only after my mother saw me in handcuffs and asked the reason for the stop did the police admit the stop was unnecessary. They hurriedly got in their cars and drove off.

Marijuana odor has been used as a loophole to justify racial profiling, intrusive searches, and police escalation for far too long. 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.

For the foregoing reasons, I urge a favorable report on House Bill 1071.