



Testimony in SUPPORT of HB 1071

HB 1071 - Criminal Procedure - Reasonable Suspicion and Probable Cause - Cannabis
House Judiciary Committee

March 9th, 2023

Dear Honorable Chair Clippinger, Vice Chair Moon, and committee members,

CASA is pleased to offer favorable testimony in strong support of HB 1071. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families. Our mission is to create a more just society by building power and improving the quality of life in working-class and immigrant communities. We envision a future where our members stand in their own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all.

For nearly forty years, CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing much-needed services to these communities, helping to ensure that low-income immigrants are able to live rich and full lives.

This committee has worked hard to ensure that Black and Latino communities in Maryland are treated with dignity and respect. HB 1071 continues this work as it seeks to prohibit police from using the odor of marijuana to establish reasonable suspicion or probable cause to stop a person or search a vehicle. HB 1071 also clarifies that the odor of marijuana may be a factor in the totality of the circumstances leading to the investigation, arrest, or search in relation to a person driving, operating, or controlling a motor vehicle while impaired by drugs.

After decades of proof of the economic and racial harm deliberately caused by marijuana criminalization and enforcement, Marylanders have voted to legalize adult use and possession of the substance. This is a major step forward in repairing the harms done by the “war on drugs”, which, as the data has made clear, is really a war on Black and Brown people. But, there are still dangerous loopholes left that can be used to racially profile Black and Brown Marylanders and violate their Fourth Amendment protections. The preservation of these loopholes is fueled by the “war on drugs” mentality that has destroyed so many communities and lives in our state. 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.

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, CASA urge a favorable report on HB 1071.