

SB0396_RichardKaplowitz_UNF

2/2/2024

Richard Keith Kaplowitz
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TESTIMONY ON SB#/0396- POSITION: UNFAVORABLE

**Criminal Procedure - Stops and Searches - Cannabis Odor and Admission of Evidence
(Drug-Free Roadways Act of 2024)**

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

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3. I am submitting this testimony in opposition to SB#0396, Criminal Procedure - Stops and Searches - Cannabis Odor and Admission of Evidence (Drug-Free Roadways Act of 2024)

Last year, in response to documented use of alleged cannabis odor as a pretense for stopping a profiled motorist, the General Assembly removed the ability of police to stop or initiate a search based solely on the odor of burnt or unburnt cannabis.

With cannabis now a regulated sale to adults for personal use and with medical usage permitted returning the ability to the police to stop or search from an odor would permit the perception that presence of that cannabis was illegal even if purchased legally. It provides an opportunity for uneven application based on profiling. A few years ago a co-worker, a teenage African-American male, was pulled over and asked to permit a drug sniffing dog to check his vehicle even though he insisted and had no drugs of any kind on his person. The stop and ask to search was based on his appearance, he was not in violation of any traffic related offense.

The General Assembly, noting that cases such as my former coworker's stop, seemed to be predominately minority populations being checked out for alleged violations. Accordingly, the bill was based on removing odor searches as a possible cause for stops or searches. I see no reason to return to what was occurring before last year's bill passage.

. I respectfully urge this committee to return an unfavorable report on SB#/0396