



NAACP

Maryland
STATE CONFERENCE

February 27, 2024

Judiciary
Maryland General Assembly
Annapolis, Maryland

Re: HB 320 – Stops and Searches - Cannabis Odor

Members of the Committee,

I write you today on behalf of the Maryland NAACP, expressing our profound opposition to House Bill 320. This bill aims to revoke the prohibition against law enforcement officers initiating a stop or search of a motor vehicle solely based on the odor of burnt or unburnt cannabis, as well as to allow evidence obtained during such stops or searches to be admissible. Our opposition stems from constitutional concerns, the perpetuation of racial profiling, and the erosion of civil liberties.

Central to our opposition is the recognition of the disproportionate impact of marijuana odor stops and searches on communities of color. Studies consistently reveal that Black and Brown individuals are disproportionately targeted for such encounters, despite comparable rates of cannabis use across racial groups. This disparity underscores systemic racial bias within law enforcement practices, perpetuating injustice and undermining trust in the criminal justice system.

Furthermore, the reliance on marijuana odor as a sole justification for stops or searches raises significant constitutional red flags. While the courts have delineated standards for probable cause, allowing subjective determinations by individual officers based on odor opens the door to abuse and undermines Fourth Amendment protections against unreasonable searches and seizures. Repealing the prohibition against odor-based stops or searches disregards these constitutional safeguards and sets a dangerous precedent.

Moreover, the overreliance on marijuana odor claims is problematic due to their unreliability and potential for abuse. The mere presence of cannabis odor cannot determine its source or quantity, rendering it an insufficient basis for intrusive law enforcement actions. Prohibiting such searches does not compromise public safety; existing laws already prohibit driving under the influence of marijuana, ensuring law enforcement's ability to address impaired driving without resorting to pretextual stops or searches.

Lastly, a majority of Marylanders support ending police stops based solely on marijuana odor, recognizing the inherent injustice and racial bias associated with such practices. Upholding civil

liberties and promoting equitable policing requires us to address these concerns and enact reforms that foster trust and fairness within our communities.

For these reasons, the Maryland NAACP urges this committee to reject House Bill 320. Let us uphold constitutional principles, combat racial profiling, and protect the rights of all Maryland residents.

Thank you for your attention to this critical issue.

In Service,

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