

Maryland General Assembly Judiciary Committee

**TESTIMONY IN OPPOSITION TO
HB320 DRUG-FREE ROADWAYS ACT OF 2024**

February 23, 2024

Presbyterians for Police Transformation
c/o Takoma Park Presbyterian Church
310 Tulip Avenue
Takoma Park, MD 20912

We are submitting this letter as written testimony of **our strong opposition** to HB320, the Drug-Free Roadways Act Of 2024, sponsored by Delegate Jesse Pippy and the Republican Caucus, in advance of your hearing on February 27.

As members of the Takoma Park Presbyterian Church and in response to our understanding of the gospel, our group is active in anti-racism work including efforts to redefine public safety and transform policing. One of our priorities is advocating for changes in the handling of traffic stops. There is substantial data indicating that people of color are disproportionately pulled over by police throughout Maryland—a situation that too often ends in harm or tragedy.

Last year, we were heartened at the passage of HB1071, Criminal Law and Procedure - Cannabis - Fines for Smoking in Public, Stops, and Searches, legislation that aimed to reduce the number of traffic stops made when there is no proof of criminal activity, by prohibiting “a law enforcement officer from initiating a stop or a search of a person, a motor vehicle, or a vessel based solely on 1) the odor of burnt or unburnt cannabis; 2) the possession or suspicion of possession of cannabis that does not exceed the personal use amount;” etc.

HB320, on the other hand, in its goal of repealing HB1071, seeks to weaken the progress made, by removing the phrase “motor vehicle” (thus removing the prohibition against stopping and searching a motor vehicle purely for odor). The proposed legislation also seeks to remove the provision in 2 (c) that states: “Evidence discovered or obtained in violation of this section (the section prohibiting an officer from searching the entire car), including evidence discovered or obtained with consent, is not admissible in a trial, a hearing, or any other proceeding.” Repealing this provision again goes against the progress made in the unstated supposition that there is a link between the odor of marijuana and something criminal—otherwise why would one need to search extensively?

According to 2022 studies cited by the ACLU, people of all races use and possess marijuana at similar rates. Yet Black Marylanders are three times more likely than White residents to be arrested for marijuana possession. This is true whether the county is majority White or Black. Arrests hinder people’s ability to access employment, housing, and a range of public benefits. It is imperative that we not turn back the clock on the matter of traffic stops that too often lead to criminalizing people of color—especially when marijuana is now legal in Maryland. Under HB1071, there is nothing preventing an officer from stopping a driver behaving erratically, no matter what the cause; naturally, we support stopping truly impaired drivers. But a whiff of weed should not be cause enough.

We respectfully request that HB320 be stopped in its tracks.

Sincerely,

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