

SB 292 – FAVORABLE
Motor Vehicles - Secondary Enforcement and Admissibility of Evidence
Senate Judicial Proceedings Committee

January 28, 2025

Chair Smith and Committee Members,

I support SB 292, which would, among its provisions, authorize a police officer to enforce certain provisions of the Maryland Vehicle Law only as a secondary action and require an officer document all reasons for a traffic or other stop. The provisions that would be secondary include certain registration violations, vehicle-operation infractions and equipment and noise violations that do not immediately threaten public safety.

This change will allow officers to focus on infractions and violations that, unlike the proposed secondary-action provisions, immediately threaten public safety. And SB 292 will redress enforcement disparities, the demonstrated over-enforcement directed at Black and Brown drivers.

Before addressing the second point, let's stress that the infractions that would be designed secondary – registration and minor operating and equipment violations – do not immediately threaten public safety.

We envision a just transportation system, however police traffic enforcement is manifestly unequal and therefore unjust. For instance, Montgomery County County's Office of Legislative Oversight (OLO) has found severe racial disparities in police traffic enforcement. The October 2022 OLO Memorandum Report 2022-12¹ notably states,

"Black drivers accounted for a higher percentage of traffic stops (30%) than the percentage of the adult population that is Black (18%)."

The OLO further reports,

"Data show that Black drivers accounted for 43% of searches and 38% of arrests during traffic stops, while Black adults account for 18% of the County's adult population. Similarly, Latinx drivers accounted for 31% of searches and 35% of arrests, while Latinx adults accounted for 19% of the County's adult population."

Traffic stops can be dangerous and deadly, with officers trained to anticipate danger and act accordingly. In Montgomery County, police use force against Black and brown people at far higher rates than white people – 80% of all use-of-force incidents in 2022 – likely placing the individuals mostly likely to be stopped at even greater risk of harm. Additionally, fines and penalties disproportionately affect and punish individuals who are struggling financially.

¹ https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf

The disparities experienced in Montgomery County extend statewide and persist throughout Maryland.

Further, I believe that rather than stopping drivers for non-safety related violations, the State should focus on effective and equitable steps to boost safety including redesigning roadways and accelerating adoption of automated enforcement.

I ask a favorable reading for SB 292 and thank you for the opportunity to testify.

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