



Testimony for the Senate Judicial Proceedings Committee

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SB 292 - Motor Vehicles – Secondary Enforcement and Admissibility of Evidence

FAVORABLE

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The ACLU of Maryland urges a favorable report on SB 292, the Secondary Enforcement and Admissibility of Evidence Act, which would make many minor non-safety-related traffic laws secondary violations, prohibiting them from being the sole reason for a traffic stop. Minor traffic violations include equipment violations like broken taillights, defective brake light, window tints and vehicle registration issues. SB 292 will help reduce risks of unnecessary traffic stops, decrease racial disparities in traffic enforcement and improve public safety.

Maryland has a long history of racial disparities in traffic enforcement. Statewide data from 2023 reveals that Black drivers constitute at least 43% of all vehicle traffic stops, despite only making up 30% of the state's population. Additionally, Black drivers are over four times more likely to be subjected to a warrantless vehicle search than white drivers.¹ These statistics indicate significant racial bias in traffic enforcement and reflect that Maryland is no exception to the national trend.²

Race-based disparities in the enforcement of low-level traffic infractions are frequently the result of pretextual traffic stops in which officers implicitly or explicitly hope that stopping a driver will yield evidence of criminal conduct, even though they don't have an

¹ *Race-Based Traffic Stop Data Dashboard*. Maryland Governor's Office of Crime Prevention and Policy.

<https://app.powerbigov.us/view?r=eyJrIjoiazTBhNDYzMTMtZTRhMy00OWRkLTk3ZGIzMjJmJmGQ2OTRjMDQzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9&pageName=ReportSection>

² Frank R. Baumgartner et al., *Racial Disparities in Traffic Stop Outcomes*, 9 Duke Forum for Law & Social Change 21, 22 (2017)

independent legal basis to make a criminal stop. This often leads police to prolonged stops by questioning drivers and pressuring them to consent to searches of their cars. As such, minor, non-safety related traffic stops pose serious risks to individuals' constitutional rights.

Pretextual traffic stops—which occur “on a massive scale,” are also dangerous and sometimes tragic.³ Philando Castille, for example, was fatally shot after being stopped for a broken taillight. Tyre Nicholas was fatally beaten after police stopped him for a traffic violation that recordings indicated never occurred.⁴ Here in Maryland in 2019, Demonte Ward-Blake was beaten by PGPD officers and paralyzed from the waist down after being stopped for an expired registration. Black men are twice as likely as white men to be killed by police.⁵ Considering stops for equipment and registration-related violations alone make up about 44% of all traffic stops, avoiding these non-safety related traffic stops would have a significant impact on reducing unnecessary police interactions that may lead to tragedy.⁶

Moreover, these non-safety related traffic stops are not a necessary or effective crime-fighting tool. Police resources are better spent directed towards solving violent crime and addressing serious public safety risks. In 2022, 64 percent of violent crimes reported to police in Maryland were not solved.⁷ Additionally, available data and various examples from other states show that reprioritizing traffic stops allows police to focus on dangerous driving, increasing traffic safety.

For the aforementioned reasons, the ACLU of Maryland urges a favorable report on SB 292.

³ United States v. Cole, 21 F.4th 421, 437 (7th Cir. 2021) (Hamilton, J., dissenting)

⁴ Loller, T., Mattise, J., & Sainz, A. (2023, February 9). *Tyre Nichols documents: Officer never explained stop to him*. AP News. <https://apnews.com/article/law-enforcement-tyre-nichols-memphis-3c20513e067d2f55786d8f42cf98b3c6>

⁵ Frank Edwards et al., Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex, 116 Proc. Nat' Acad. Scis. 16793, 16794 (2019)

⁶ *Race-Based Traffic Stop Data Dashboard*. Maryland Governor's Office of Crime Prevention and Policy. <https://app.powerbigov.us/view?r=eyJrIjojZTBhNDYzMTMtZTRhMy00OWRkLTk3ZGltZmJlMGQ2OTRjMDQzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9&pageName=ReportSection>

⁷ Dardeau, M & Salomon, N. (2024, January 23). *Violent Crime and Accountability Trends in Maryland*. Justice Center: The Council of State Governments. https://mgaleg.maryland.gov/meeting_material/2024/jpr%20-%20133505047428207622%20-%20CSG%20Presentation.pdf