



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira A. Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 28, 2025

RE: **SB 292: Secondary Enforcement and Admissibility of Evidence**

POSITION: **OPPOSED**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **oppose** SB 292.

SB 292 reclassifies several moving violations as subject to only secondary enforcement by Maryland police officers. Violations that would no longer be a primary offense include operating an unregistered motor vehicle with a cancelled, suspended, or revoked vehicle registration, operating a motor vehicle with expired registration, and knowingly permitting the operation of an unregistered motor vehicle. Certain moving violations that will no longer be a primary offense include littering, refusing to remove wrecked or damaged vehicles from a highway, and spinning of wheels. Equipment violations reduced to a secondary offense related to the safe operation of a motor vehicle include malfunctioning or missing safety equipment such as headlights, tail lights, and rearview mirrors, amongst other offenses.

This bill also requires a police officer to document all reasons for a traffic stop on any citation or report. This requirement will compel an officer to cite a violator for each and every violation observed in order to clearly justify the legal reason for the stop. Discretion will no longer apply in which an officer may forgo a speeding violation, where points apply, for a lesser violation. Otherwise, the officer is left in the perilous position of having to defend the reasons for the traffic stop. One would hardly consider it fair to "load up" the citation counts to meet this burden. This provision is tacitly unfair to the general motoring public and will only serve to exacerbate mistrust. Furthermore, this provision subjects law enforcement to potential disciplinary action for an inadvertent and unintentional oversight when writing their citation. Again, this requirement forces officers to cite for every violation that is observed, which places a burden on the officer, in order to legally justify the initial stop.

Finally, the suggestion that an officer who makes a traffic stop in violation of this bill may be subject to administrative discipline reads as an unwarranted attack on our law enforcement community who are charged with keeping our communities and our highways safe. Adding insult to injury is the provision that **ANY** evidence obtained in violation is inadmissible in **ANY** trial or other proceeding [Emphasis added]. There is not a need to disallow the admission of evidence in violation of this bill's reporting

requirements, as Maryland already has established standards under the exclusionary laws of both the United States Constitution, the Maryland Constitution, and the Declaration of Rights.

SB 292 if enacted as written, would have unintended consequences of undermining police enforcement of vehicle theft laws because operating a vehicle with license registration plates removed would not authorize a *primary* traffic stop. The results of such an attempt would not be admissible in a criminal prosecution, due to the bill's exclusionary provisions, a remedy usually reserved for 4th amendment constitutional violations.

In 2019, the Maryland General Assembly passed the first Vision Zero legislation with the belief that crashes are preventable and views zero as the only acceptable number of motor vehicle deaths. The law set a goal of zero motor vehicle-related fatalities or serious injuries by 2030. The following data provides substantive evidence that Maryland is failing in achieving this goal.

	2019	2020	2021	2022	2023	5-Year Average
Fatal Crashes	496	546	524	534	577	535
Injury Crashes	32,938	25,360	28,142	28,027	28,577	28,609
Property Damage Crashes	82,583	69,728	80,243	79,908	81,247	78,742
Total Crashes	116,017	95,634	108,909	108,469	110,401	107,886
Total of All Fatalities	535	573	563	566	621	572
Total Number Injured ¹	48,682	36,790	40,858	40,719	41,538	41,717

The MCPA and MSA fully support highway safety efforts, citing the following:

1. **Promoting road safety:** Violations like broken headlights or expired tags can directly impact road safety. Broken headlights can reduce a driver's visibility, making nighttime driving more dangerous for both the driver and others on the road. Stopping drivers for these reasons can address safety risks early.
2. **Deterrence of further violations:** Allowing officers to stop drivers for these types of violations serves as a deterrent. When people know that minor infractions, such as an expired tag, could result in a traffic stop, they may be more inclined to keep their vehicles properly registered and maintained.
3. **Preventing larger violations:** Some minor violations could be indicators of other potential issues, such as unlicensed or uninsured vehicles, exposing innocent vehicle operators or passengers to the risk of suffering personal physical injury or property damage by the operator of an unregistered vehicle without required automobile liability insurance. By stopping drivers for violations for expired tags, officers often uncover more serious violations, such as a lack of insurance or a suspended license, which could prevent unsafe drivers from operating vehicles.
4. **Enforcing legal requirements:** Rules of the road should be enforced consistently. If traffic laws are established and enforced uniformly, it can send a clear message that following these regulations is important for everyone. If expired tags and broken headlights are allowed to go unchecked, it could create a sense that certain traffic laws are unimportant.
5. **Supporting the vehicle registration system:** Vehicle registration and inspection systems are established to ensure that only roadworthy and legal vehicles are on the road. If expired tags

¹ ¹Zero Deaths Maryland, Maryland Highway Safety Office, Maryland Crash Data, <https://zerodeathsmd.gov/resources/crashdata/>

aren't addressed directly through primary stops, the system's effectiveness in maintaining vehicle safety and registration compliance could be reduced.

6. **Preventing future problems for the driver:** Often, drivers with expired tags or broken headlights are unaware of the violation, or they may not have the means to address it immediately. A traffic stop gives officers the chance to inform the driver of the issue and allow them the opportunity to correct it. This proactive approach can be seen as an educational opportunity to ensure that drivers are aware of violations and can take corrective action.
7. **Apprehension of violent offenders:** Timothy McVeigh, Ted Bundy, John Allen Muhammad, David Berkowitz, Rodney Alcala, Robert Ben Rhoades, Andrew Cunanan, Mark Allen Smith, Angel Resendiz, and Shawn Grate, murderers, rapists, serial killers, all apprehended as a result of traffic stops, excellent work by dedicated law enforcement officers.

Permitting violations as previously enumerated to remain as primary reasons for traffic stops serves a mix of public safety, law enforcement, and preventive goals, ensuring that traffic laws are enforced fairly and that potential risks are addressed before they lead to the horrendous accidents that we witness regularly on our highways.

Because passage of this bill would undermine enforcement of many of Maryland's mandatory vehicle operation standards, the Maryland Chiefs of Police Association and Maryland Sheriffs' Association **oppose** SB 292.