



SUPPORT - HB 0635

Written Testimony of National Lawyers Guild-National Police Accountability Project, Keisha James, Staff Attorney

House Judiciary Committee – Wednesday, February 12, 2025

Dear Chair Clippinger and Members of the Committee,

The National Lawyers Guild National Police Accountability Project (“NPAP”) is a nonprofit organization dedicated to holding law enforcement officers accountable to constitutional and professional standards. We urge you to give a favorable review to HB 0635, which will save lives by eliminating unnecessary encounters between civilians and law enforcement officers that too often result in violence. HB 0635 seeks to prohibit drivers from being stopped solely for a secondary violation (e.g., an item hanging on a rearview mirror) that do not pose a public safety risk. HB 0635 will also reduce racial disparities in policing by removing the incentive for law enforcement officers to engage in pretextual stops, which disproportionately target Black drivers.

The traffic stop is the single most common reason for contact between police officers and civilians in the United States.¹ This is so because in most jurisdictions, including within Maryland, law enforcement officers have the authority to stop motorists for a vast range of reasons, including very minor traffic violations that do not jeopardize public safety, such as a single broken headlight or taillight.

Traffic stops for minor violations unnecessarily expose civilians to law enforcement contact and, consequently, use of force. Many law enforcement encounters with civilians that have resulted in the death of the civilian began as traffic stops for low-level violations. For example, in 2016, Philando Castile was shot and killed by a St. Anthony, Minnesota police officer during a traffic stop for a broken tail light.² In 2022, Daunte Wright was shot and killed by a Brooklyn Center, Minnesota police officer who pulled Wright over for driving

¹ Bureau of Justice Statistics, Traffic Stops, <https://bjs.ojp.gov/taxonomy/term/traffic-stops>; Susannah N. Tapp and Elizabeth Davis, Contacts Between Police and the Public, 2022, Bureau Just. Stat., available at: <https://bjs.ojp.gov/library/publications/contacts-between-police-and-public-2022>.

² Reg Chapman, *Eight years later, Philando Castile's legacy lives on*, CBS News (July 6, 2024), available at: <https://www.cbsnews.com/minnesota/news/eight-years-later-philando-castiles-legacy-lives-on/>.

with an air freshener hanging from his rearview mirror and expired registration tags.³ In January 2023, Tyre Nichols was beaten to death by police officers in Memphis, Tennessee who claimed Nichols was driving recklessly—a claim that has since been refuted by video evidence of the encounter.⁴

Even when traffic stops do not end in civilian fatalities, they can still leave motorists traumatized and feeling degraded.⁵ They also expose drivers to greater scrutiny from law enforcement, as many traffic stops evolve into continued police questioning, vehicle searches, and even arrests.

The brunt of these harms is borne by Black drivers. Data show that officers, employing their broad discretion to initiate traffic stops, disproportionately stop Black drivers.⁶ Federal law authorizes officers to engage in this racial profiling with impunity. According to precedent from the U.S. Supreme Court, an officer’s particular motivation for pulling a driver over—even if it is racial or personal animus towards the driver—does not affect the legality of the traffic stop, so long as the driver committed some traffic violation, however insignificant.⁷

³ The New York Times, *What to Know About the Death of Daunte Wright*, The New York Times (Feb. 21, 2022), available at: <https://www.nytimes.com/article/daunte-wright-death-minnesota.html>.

⁴ Bevan Hurley, *Memphis police chief says there’s ‘no proof’ Tyre Nichols should have been stopped for reckless driving*, The Independent (Jan. 27, 2023), available at: <https://www.independent.co.uk/news/world/americas/crime/tyre-nichols-memphis-police-reckless-driving-b2270667.html>.

⁵ See Frank R. Baumgartner, *et al.*, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race* 13 (2018) (explaining that targeted traffic stops can be “humiliating, frustrating, and unfair”); Sam McCann, *Low-Level Traffic Stops Are Ineffective—and Sometimes Deadly. Why Are They Still Happening?*, Vera Institute (Mar. 29, 2023), available at: <https://www.vera.org/news/low-level-traffic-stops-are-ineffective-and-sometimes-deadly-why-are-they-still-happening> (“Repeated stops also place Black drivers in situations in which they are at risk of physical, economic, or psychological harm.”).

⁶ See, e.g., David A. Harris, *Driving While Black: Racial Profiling On Our Nation’s Highways*, ACLU (Jun. 7, 1999), available at: <https://www.aclu.org/publications/driving-while-black-racial-profiling-our-nations-highways>; Jordan Blair Woods, *Traffic Without the Police*, 73 Stan. L. Rev. 1471, 1475 (2021) (“Several studies show that Black and Latinx motorists in particular are disproportionately stopped by police for traffic violations and disproportionately questioned, frisked, searched, cited, and arrested during traffic stops.”).

⁷ See *Whren v. United States*, 517 U.S. 806, 814 (1996) (“[T]he Fourth Amendment’s concern with ‘reasonableness’ allows certain actions to be taken in certain circumstances, whatever the subjective intent.”) (emphasis in original); *Maryland v. Wilson*, 519 U.S. 408, 423 (1997) (Kennedy, J. dissenting) (The Court’s holding in *Whren* “permit[s] vehicle stops if there is some objective indication that a violation has been committed regardless of the officer’s real motives;” its “practical effect . . . is to allow the police to stop vehicles in almost countless circumstances.”).



HB 0635 would protect drivers by eliminating these unnecessary traffic stops. The bill makes offenses like a non-functioning light, a damaged mirror, driving momentarily in a bus-only lane, excessive noise, failure to signal, and littering secondary violations. These minor traffic infractions pose no risk to public safety, but the law enforcement response to these violations does. Limiting police contact with civilians to circumstances where a driver has truly jeopardized public safety reduces the risk of harm to civilians. Additionally, by limiting opportunities for police to stop drivers—and by requiring officers to record their reasons for conducting the stops—HB 0635 would help reduce racial disparities in traffic stops. Further, prosecutors will no longer be able to rely on evidence obtained during stops where the justification is only a secondary violation.

In passing HB 0635, Maryland would not be the first jurisdiction to reimagine traffic safety. In 2020, Virginia passed a law prohibiting police officers in the state from stopping drivers for minor infractions such as tinted windows, expired registration stickers, and broken taillights.⁸ Philadelphia's Driving Equality Law, which went into effect on March 3, 2022, prohibits police from initiating traffic stops for secondary traffic violations, including expired vehicle registration and a single dysfunctional brake light.⁹ Other local governments have considered implementing, or have already implemented, similar laws.¹⁰

Maryland can and should join the ranks of these jurisdictions reimaging traffic safety. We urge you to prioritize the safety of Maryland drivers and give HB 0635 a favorable review. I am happy to answer any questions you may have. You can contact me at keisha.npap@nlg.org.

Sincerely,

Keisha James
National Police Accountability Project

⁸ Virginia, HB 5058 and SB 5029 (2022).

⁹ Philadelphia, Penn. Bill No. 210636-A (2021).

¹⁰ David K. Kirkpatrick, Steve Eder, and Kim Barker, *Cities Try to Turn the Tide on Police Traffic Stops*, The New York Times (Apr. 15, 2022), available at: <https://www.nytimes.com/2022/04/15/us/police-traffic-stops.html>.