

HB0635_RichardKaplowitz_FWA
02/10/2025
Richard Keith Kaplowitz
Frederick, MD 21703-7134

**TESTIMONY ON HB#0635 - POSITION: FAVORABLE WITH AMENDMENTS
Motor Vehicles - Secondary Enforcement and Admissibility of Evidence**

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ HB#/0635, Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

The phrase “mission creep,” which pertains to “the gradual broadening of the original objectives” beyond a task’s original scope, goals, or focus, originated in military circles but has been adopted by much of the business world. A type of mission creep can occur in a police traffic stop, as well. While mission creep in business may cost time or money, mission creep in a traffic stop may cost the suspect his/her constitutional rights...Maryland law is clear that a “traffic stop is lawful so long as there is probable cause to believe that the driver has committed a violation of the vehicle law.”¹

It has happened that, due to bias, traffic stops are made for an alleged traffic violation when the actual reason was the profiling of the persons in the car. The vast majority of traffic stops are done for legitimate reasons but not always. This bill does NOT stop any officer from making a traffic stop, it simply requires the reasons for the stop to be fully documented.

This bill requires a police officer to document all reasons for a traffic stop or other stop on a citation or police report resulting from the stop. It creates a cause of action for the person stop by establishing that certain evidence obtained during a traffic stop or other stop in violation of certain provisions may be or is inadmissible in certain proceedings. It accomplishes this goal by authorizing a police officer to enforce certain provisions of the Maryland Vehicle Law only as a secondary action.

I believe this problem of traffic stops with the alleged violation of traffic laws as a cover for a profiling-based stop should be studied and documented before the actions contemplated in this bill are passed. I would favor the creation of a task force to study the problem with a certain date established to report back to the General Assembly to decide on the next steps.

I respectfully urge this committee to return a favorable with amendments report on HB0635.

¹ <https://www.marylandcriminallawyer-blog.com/when-a-legal-traffic-stops-being-legal-unconstitutional-seizures-under-maryland-law/>