




Morningside Police Department

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Daniel J. Franklin
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TO: The Honorable Delegate Luke Clippinger, Chair and
Members of the House Judiciary Committee

FROM: Daniel J. Franklin #0255 
Chief of Police
Morningside Police Department

DATE: February 10, 2025

RE: HB 0635 Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

POSITION: **OPPOSED**

Greetings Chairman Clippinger and the members of the House Judiciary Committee.

I am writing to state my position regarding the proposed legislation in front of the House Judiciary Committee titled HB 0635 Motor Vehicles - Secondary Enforcement and Admissibility of Evidence sponsored numerous members of the House of Delegates. As the Chief of Police for the Town of Morningside, I am writing to **STRONGLY OPPOSE** the passage of HB 0635. If it were to pass, HB 0635 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 as well as littering and spinning wheels. Equipment violations would also be reduced to secondary offenses related to the safe operation of a motor vehicle including malfunctioning or missing safety equipment such as headlights, taillights, and rearview mirrors.

This bill also requires a police officer to document all reasons for a traffic stop on any citation or report. This requirement will force an officer to cite a violator for EVERY violation observed to clearly justify the legal reason for the stop. Discretion will no longer apply in which an officer may issue a warning for a speeding violation, where points apply upon conviction or admission of guilt, for a lesser violation. Officers would have

to issue citations in place of warnings to meet this burden, which is unfair to the general motoring public. This bill will remove officer discretion and will only foster negative relationships between the Police and the public. 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, 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! 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. HB 0635, 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.

As a side note, Timothy McVeigh, Ted Bundy, John Allen Muhammad, and David Berkowitz, were all apprehended because of traffic stops. Many criminals are apprehended daily by law enforcement because they are allowed to conduct traffic stops for the very violations that this bill seeks to make secondary violations. Even the simplest infractions can lead to greater crimes as evidenced by the excellent work of 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 serious (and often fatal) accidents that we witness regularly on our highways.

The passage of this bill would seriously hinder enforcement of many of Maryland's mandatory vehicle operation standards which would lead to many more serious offenses going undiscovered while leaving bad actors unfettered to continue their criminal behavior. For the reasons previously stated, I take the position of **STRONGLY OPPOSING** HB 0635.

Thank you for your time and consideration.