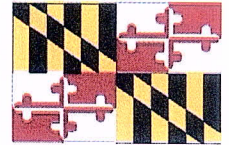




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STATE PRESIDENT

Maryland State Lodge FRATERNAL ORDER OF POLICE

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KENNY SCHUBERT
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February 10, 2025

HB 635 – Motor Vehicles – Secondary Enforcement and Admissibility of Evidence

Dear Chairman Clippinger and Distinguished Members of the Judiciary Committee,

The Maryland State Fraternal Order of Police **OPPOSES House Bill 635 – Secondary Enforcement and Admissibility of Evidence**. This bill places unnecessary limits on the police officers' abilities to interdict criminal activity in our state and risks the exclusion of evidence to prove suspects guilty of criminal acts far more serious than motor vehicle violations.

Police officers throughout the state and country make tens of thousands of traffic stops every day for a variety of violations of law. These stops are conducted for reasons ranging from simple traffic safety to the interdiction of serious crimes. The General Assembly has set the guidelines for vehicle registration, vehicle equipment, and the conduct of drivers operating vehicles on our roadway. Compliance with these laws ensures that the state has the funds to support our transportation infrastructure and improves the safety of everyone transiting on Maryland's roadways.

This bill seeks to limit the ability for police officers to enforce the very laws that the General Assembly has passed. It is illogical to create a system where a person can act in an illegal manner, and the government has no method to enforce the laws that regulate our orderly society.

Some of the violations included in this bill include circumstances where vehicle owners fail to pay their fair share of the cost of maintaining our transportation infrastructure by allowing their vehicle registration to lapse. Additional violations include those circumstances where the Department of Transportation has already detected a violation of registration rules and regulations and has caused a registration to be suspended or revoked. That is, the government has told the owner they may not operate their car, but if this bill were to pass, there can be no enforcement of that rule. That makes the suspension or revocation a useless and ineffective administrative act. There would be no incentive for motorists to properly register their vehicles.

This bill's limits on Transportation Article § 13-703, commonly referred to as "tags to another vehicle" would allow criminals to use license plates not issued to the vehicle they are driving to evade capture. The enforcement of this section often leads to arrests for stolen vehicles and other felonious activities which can be concealed by the use of plates that are not registered to a vehicle. By running a computer check of the license plate, an officer would know only that the tag is not registered to the vehicle, but would have no clue as to the identity of the vehicle itself, including whether it had been reported stolen or was used in a felony. Only stopping that vehicle for this violation and checking the vehicle identification number would reveal these greater crimes.

The limits on Transportation Article § 13-411, attaching plates in a visible condition and without covers, are important to ensure that our state's automated tolling facilities work effectively and motorists cannot evade payment of tolls that support our state's transportation infrastructure. Additionally, by concealing license plates, criminals are able to evade detection for greater crimes, either through avoiding license plate readers in our state or simply being unable to be read by a police officer. This would give criminals another free-pass to escape from detection and arrest.

The limits on the aforementioned and ALL of the other sections of the Transportation Article will generally make it more difficult for police officers to interdict criminal acts. History has shown that minor traffic stops can lead to major arrests. The Oklahoma City Bomber was captured because he was committing a registration violation. Every day, across our state, officers making traffic stops for many of these minor violations make arrests for possessing large quantities of guns and drugs and for those motorists who endanger life and limb on our roadways by driving under the influence of drugs or alcohol. Limiting officer's ability to enforce these violations places unneeded limits on their ability to keep our communities safe from guns and violence.

Even more nonsensical is the use of the exclusionary rule to suppress evidence of major crimes that results from these stops. It makes no sense for the safety of our communities to exclude the reliable evidence of serious criminal misconduct simply because the evidence was gained from a stop which would have otherwise been legal for a legitimate violation of state vehicle law, but was made unlawful of this legislation.

Furthermore, the Fraternal Order is distressed that there is a direction in this law to subject officers to discipline for making such stops. This is an unnecessary addition and reveals a startling motivation for this legislation. Officers are already subject to disciplinary action for violations of law. Placing such a statement in new legislation is redundant, but sends a clear, negative message to a profession that has struggled to hire and retain qualified officers for many years now. Our elected leaders need to stop vilifying police officers as we struggle with unprecedented staffing problems while we fight to keep our communities safe.

This Fraternal Order is always available to look at ways to reduce the public's encounters with police and there are other possible traffic laws and other ways to accomplish this; However, there would be a need for alternative ways to enforce those laws that would need to be enforceable and enacted at the same time as the enactment of any policy or law that would limit when an officer contacts a member of the public for an infraction that this legislative body desires to shift from police enforcement to another means of enforcement as has been done with certain speed and other violations.

For these reasons, the Maryland Fraternal Order of Police **OPPOSES** House Bill 635 and urges this committee to vote **Unfavorable** on this bill.



Angelo Consoli
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