



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 10, 2025

BILL NUMBER: HB 635

POSITION: Unfavorable

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 635 and urges this Committee to issue an unfavorable report.

This bill sets out to accomplish an important objective – ensuring the application of our traffic laws is more equitable – but, by greatly restricting the enforcement of many provisions, ignores the critical role traffic stops play in public safety, and will have a significant chilling effect on lawful enforcement activity.

Sociologist Egon Bittner identifies a defining and core function of policing as the ability to stop “something that ought not to be happening and about which somebody had better do something now.”¹ To that extent, our society asks and expects law enforcement officers to intervene when they observe conduct that has been prohibited by this legislative body – whether that is driving an unsafe vehicle in violation of MD. CODE ANN., TRANSP. (“TR”) § 22-101, littering in violation of TR § 21-1111, or making an unsafe turn in violation of TR § 21-604. These laws exist to protect all of us, and restricting the ability of law enforcement to intervene when they are broken removes any incentive for bad actors to comply with them.

Further, HB 635 establishes an exclusionary rule for enforcing the law. As the Supreme Court of the United States wrote in *Hudson v. Michigan*, 547 U.S. 589 (2006), the exclusionary rule imposes substantial social costs, exacting a costly toll on the truth-seeking function of our system of justice. *Id.* at 591. In addition to providing for the exclusion of evidence recovered when an officer stops an individual for the violations discussed above, which at least bears some relation to the interests that animated the bill, HB 635 also removes the “not” in MD. CODE ANN., CRIM. PROC. § 2-109(b)(2) – appearing in line 23 on page 2 of HB 635. This potentially establishes, without any clarification, an exclusionary rule that would apply for infractions as insignificant as failing to tell an individual the agency the officer works for. Like much of HB 635, this alteration will exact an enormous social cost without any certain or discernible benefit.

MSAA welcomes a dialogue with lawmakers – we are all interested in making our communities safer and the administration of justice more equitable and fair – and looks forward to collectively developing creative solutions.

¹ Egon Bittner, *Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police*, in *POLICING: KEY READINGS* 150, 162 (Tim Newburn ed., 2005).