



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

WILL JAWANDO
COUNCIL VICE PRESIDENT
CHAIR, EDUCATION & CULTURE COMMITTEE
PLANNING, HOUSING, AND PARKS COMMITTEE

February 10, 2025

Montgomery County Council Vice President Will Jawando
Testimony in Support of
House Bill 635
February 12, 2025

Dear Chair Clippinger, Vice Chair Bartlett, and members of the House Judiciary Committee:

I am writing to share my support for the principles underlying House Bill 635 (Motor Vehicles – Secondary Enforcement and Admissibility of Evidence). I urge you to thoughtfully examine the reasons for the introduction of the bill - namely the importance of addressing racial disparities and allowing law enforcement to focus on the most critical public safety issues - and enter a favorable report, even if you determine that aspects of the bill should be amended prior to passage. The state has an important role to play here, and I ask that you please exercise your authority to make a difference for our shared residents and promote roadway safety for all.

As you may know, in 2023, I introduced the Safety and Traffic Equity in Policing (“STEP”) Act in Montgomery County to address the clear racial disparities in traffic stops and allow law enforcement to focus on the most serious traffic violations and crime in our community. To those ends, the bill limited traffic stops for low-level traffic violations and jaywalking, set limits on consensual searches, and required more robust data collection and reporting on traffic stops. The bill drew enormous support from the community.¹ It was innovative for our County, but echoed policies around the country already limiting non-safety-related stops, including in the state of Virginia.

¹ I would urge you to listen to the public hearing testimony in support of the bill: [April 25, 2023 - Council Session - Public Hearing - Bill 12-23, Police - Traffic Stops - Limitations - YouTube](#). Residents shared poignant stories about the impact on their lives of being stopped by law enforcement, and numerous experts and academics weighed in on the importance and data-driven significance of passing such legislation.

Along with my colleagues, I requested an opinion from Attorney General Anthony Brown regarding the STEP Act, and the Attorney General concluded that a portion of it was preempted by state law, namely designating certain traffic offenses as secondary offenses. Accordingly, I withdrew the bill and I am thankful that similar such legislation is under consideration by the state legislature this year with House Bill 635 and Senate Bill 292.

Following my withdrawal of the STEP Act, I subsequently introduced the Freedom to Leave Act to limit consent searches, an aspect of the STEP Act that was deemed legally permissible for the County to pursue. I am grateful to the Montgomery County Police Department (MCPD) and FOP Lodge 35 for subsequently negotiating a consent search policy inspired by the legislation.² The policy is an important step forward for the County and an example of thoughtful engagement between law enforcement, the legislature, and the community. I believe there is a similar opportunity at the state level for stakeholders to come together here to address racial disparities in traffic enforcement by limiting certain traffic stops.

Indeed, with House Bill 635, the state has an opportunity to join the numerous jurisdictions around the country limiting stops for minor infractions, including Los Angeles, Philadelphia, Seattle, Mecklenberg County, North Carolina, Berkeley, California, Virginia, and Oregon. Such limitations are not intended to limit law enforcement's important role in our community, but to recognize that enforcement of lower level infractions has resulted in racial disparities in traffic stops, while also detracting from law enforcement's capacity to focus on key drivers of fatalities in traffic enforcement, such as stopping people who are speeding, driving while under the influence, and driving with people not wearing seatbelts. We need to examine our priorities for traffic enforcement, and ensure that our laws work in service of those priorities, namely keeping all of our residents, including our law enforcement, as safe as possible on the roads.

I would welcome discussing House Bill 635 with you if that would be helpful. Thank you for your thoughtful consideration of the bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Jawando', with a long horizontal flourish extending to the right.

Will Jawando

² https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=17696&meta_id=187185