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Sent by Electronic Mail

The Honorable Luke Clippinger, Chair
House Judiciary Committee
100 Taylor House Office Building
Annapolis, MD 21401

Re: House Bill 635 - Motor Vehicles - Secondary Enforcement and Admissibility of Evidence (SUPPORT IN CONCEPT)

Dear Chair Clippinger:

The Office of the Attorney General supports House Bill 635 - Motor Vehicles - Secondary Enforcement and Admissibility of Evidence in concept.

Background

Traffic stops can be dangerous for law enforcement and citizens alike. From the side of law enforcement, officers have been injured and killed when they or their vehicles are struck during a traffic stop. According to the National Law Enforcement Officers Memorial Fund, between 2014-2023, 150 officers were killed by being struck by a vehicle and 292 officers were killed in automobile crashes.¹ A U.S. Department of Transportation study found that traffic-related incidents, including vehicle crashes, are one of the leading causes of death for law enforcement officers, with 39% of law enforcement officers killed in the line of duty killed in traffic-related

¹ <https://nleomf.org/wp-content/uploads/2024/04/Causes-of-Law-Enforcement-Deaths-2014-2023.pdf> and <https://nleomf.org/memorial/facts-figures/officer-fatality-data/causes-of-law-enforcement-deaths/>.

incidents.² According to the FBI, motor vehicle accidents were the leading cause of accidental officer deaths in 2024.³

Traffic stops can be similarly dangerous for citizens. Far too many people, especially minorities, have been killed or injured by police during traffic stops. These include high-profile cases, such as Daunte Wright, Tyre Nichols, and Philando Castile, but also too many that we have not heard about. A Stanford University nationwide analysis of traffic stops between 2011-2016 found that police pull over 20 million motorists a year, amounting to a staggering 50,000 traffic stops per day.⁴ A 2021 investigation by the New York Times revealed that over a five-year period, 400 drivers or passengers were killed by police during traffic stops, not counting those who were armed or under pursuit for a violent crime.⁵

There are undeniable racial disparities in traffic stops. Stanford's data showed that officers stopped black drivers at higher rates than white drivers. Once stopped, Stanford found that in nearly every jurisdiction studied, officers searched black and Hispanic drivers more often than white drivers. A study by the Vera Institute of Justice looked at traffic stops in Suffolk County, Massachusetts, from 2010-2019, and found that police there pulled over black drivers at 2.3 times the rate of white drivers for non-traffic-safety reasons.

When law enforcement makes traffic stops for purely non-safety reasons, the risk of the traffic stop often is not worth the reward. The Vera Institute study noted that many jurisdictions, including Virginia, Oregon, Los Angeles, Philadelphia, Seattle, Mecklenburg County (North Carolina), and Berkeley (California), have recently limited police stops for minor infractions, dramatically lowering the proportion of traffic stops for non-safety reasons. For example, in Los Angeles, after the policy took effect, stops for non-moving violations went from 21% of all stops to 12% of all stops.⁶

Reducing the number of non-safety related traffic stops and the racial disparity they foster is an important goal, which is why I support House Bill 635 in concept. Several amendments are necessary, however, to strike the appropriate balance with public safety. In a civil society, anyone wishing to drive must follow the rules of the road. This includes having vehicles tagged, properly registered and insured, as well as having the vehicle in a safe, working condition.

² <https://news.maryland.gov/msp/2022/09/30/maryland-state-police-reminding-motorists-move-over-law-expands-to-all-vehicles-beginning-oct-1/>.

³ [https://le.fbi.gov/cjis-division/cjis-link/statistics-on-law-enforcement-officer-deaths-in-the-line-of-duty-from-january-through-august-2024#:~:text=Accidental%20law%20enforcement%20deaths%20increased,motor%20vehicle%20accidents%20\(17\)](https://le.fbi.gov/cjis-division/cjis-link/statistics-on-law-enforcement-officer-deaths-in-the-line-of-duty-from-january-through-august-2024#:~:text=Accidental%20law%20enforcement%20deaths%20increased,motor%20vehicle%20accidents%20(17).).

⁴ <https://openpolicing.stanford.edu/findings/>.

⁵ <https://www.nytimes.com/2021/10/31/us/police-killings-traffic-stops-takeaways.html>.

⁶ <https://www.latimes.com/california/story/2022-11-14/minor-traffic-stops-plummet-in-months-after-lapd-policy-change>.

Conceptual Amendment #1

This bill changes a number of genuine safety-related offenses from primary to secondary violations. Unsafe lane change, not displaying headlights at night, vehicles missing side view and rear view mirrors, failing to yield to a vehicle with the right of way, throwing hazardous or injurious materials from a vehicle, driving a vehicle in an unsafe condition that endangers a person, and altering a vehicle to remove or alter a safety device or render the vehicle dangerous in the event of a collision are all safety-related offenses. We must continue to do what we can to empower law enforcement to intervene when vehicles are being driven in an unsafe manner. These are also violations that officers use to identify drunk and drugged drivers, who cause crashes that kill 37 people every day.

House Bill 635 also makes driving an unregistered vehicle, a vehicle with a revoked, suspended, canceled, or unpaid registration, or a vehicle with no license plates or displaying the license plate of another vehicle a secondary offense. These offenses are safety-related for two reasons. First, unregistered vehicles are seldom insured, so police must be able to keep unregistered vehicles off the roadway. Second, having vehicles properly registered and tagged is essential to investigate crime. Suspects are often identified through a witness or an officer observing, or surveillance video capturing, a vehicle's tag number. Without proper registration and license plates, police have no way of identifying the driver of a vehicle involved in a hit-and-run, or other serious crime.

In Philadelphia, the 2022 "Achieving Driving Equality Act" made eight traffic violations into secondary violations.⁷ These include having an unregistered vehicle if the vehicle had been properly registered within the prior 60 days, improperly displaying a temporary registration plate where the plate is still clearly displayed, failing to securely fasten a plate but where the plate is otherwise clearly displayed, having only a single brake light or single head light not illuminated, having an obstruction, such as a sign, poster, or other item, including ice or snow, failing to have bumpers, driving a vehicle without the required inspection certificate, and driving a vehicle without evidence of an emission inspection. These are the types of non-safety related offenses that Maryland's bill should cover. House Bill 635 covers far too many safety-related offenses.

Conceptual Amendment #2

Currently traffic stops are the main enforcement mechanism of the MVA's administrative requirements of vehicles. For example, vehicle registration suspension is the penalty for failing to comply with emissions requirements. If we remove the ability to pull over a vehicle whose registration has been suspended, there is no incentive for drivers to comply with the requirements. For secondary offenses, the bill should create a procedure by which law enforcement who observe a violation would contact the MVA and have the MVA issues citations or repair orders through the mail. Like a speed camera ticket, this would allow the enforcement of the laws but eliminate the unnecessary—and sometimes unsafe—traffic stop. The bill could also be amended to provide

⁷ <https://phila.legistar.com/LegislationDetail.aspx?ID=5007830&GUID=065348E0-F4F6-4B6A-A088-DF5358E73CD&Options=ID%7CText%7C&Search=210636&FullText=1>.

that if these citations or repair orders are ignored, the MVA could impose sanctions such as prohibiting renewal of driver's licenses and vehicle registration until the issues are addressed.

Relatedly, law enforcement officers cannot ignore multiple, flagrant violations of our transportation laws. While a single secondary violation may not be a safety issue, multiple violations signal a driver who is unwilling to comply with rules of the road. Our law enforcement officers must be able to make traffic stops to keep the community safe. The bill should be amended to allow for a traffic stop if an officer observes more than one secondary violation.

Conceptual Amendment #3

House Bill 635 amends § 2-109 of the Criminal Procedure Article to require an officer to state "*all* reasons for a traffic stop" in any "police report" from that stop. Often, especially in long-term investigations, such as the ones handled by the Office of the Attorney General's Organized Crime Unit, officers conduct traffic stops based not only on a safety violation but also because they have information from victims and witnesses identifying the driver as a suspect in a violent crime. It would endanger officers, victims, and witnesses if the police always had to tell the suspect every single reason for a traffic stop. House Bill 635 should be amended to say that an officer must tell the driver only every traffic violation that formed the basis for the traffic stop.

Conceptual Amendment #4

Fourth, under current law, while the failure of an officer to identify himself, his agency, his identification number, and the reason for the traffic stop may be grounds for internal disciplinary action, it cannot be grounds to suppress evidence found during the stop. This bill states that failing to make those identifications *may* be grounds to suppress any evidence recovered during the stop. Not only does this risk excluding guns or other evidence of violent crimes based on a minor violation, House Bill 635 fails to identify any guidelines for how courts should determine when this evidence should be excluded. This extreme sanction lacking in parameters should be removed from the bill.

We applaud House Bill 635 for seeking to limit non-safety related traffic stops and reduce racial disparities in Maryland's criminal justice system. However, we urge the Committee to carefully consider the concerns outlined above as it deliberates this critical issue.

Sincerely,



Anthony G. Brown