

Testimony in Support of House Bill 635.pdf

Uploaded by: Anita Lampel

Position: FAV

Testimony in Support of House Bill 635
Motor Vehicles–Secondary Enforcement and Admissibility of Evidence

My name is Anita Lampel. I am a resident of Bethesda in District 16. I am submitting this testimony in support of House Bill 635, Motor Vehicles-Secondary Enforcement and Admissibility of Evidence. I want to thank Senator Sydnor for introducing this.

I am a member of Adat Shalom Reconstructionist Congregation and of the Women's Democratic Club. I am submitting testimony on my own behalf today. My personal experience raising my children in a city with a racially diverse and economically deprived community where I ran a Child and Adolescent Mental Health Clinic and also testified in Court on numerous occasions has given me a perspective on what I consider to be "crimes of poverty" and how we can act to improve or worsen the lives of the poor. By a crime of poverty, I mean people who cannot pay the registration for the car or fix a turn-signal because a child has been ill or their rent increased. This bill addresses crimes of poverty like broken windshields and lapsed registration. This bill also addresses "styles" which, while possibly not legal, are not in and of themselves a danger—such as an object dangling from the rear view mirror. White-appearing people with nice cars don't get the same treatment.

Police have a lot to do to investigate and prevent SERIOUS crimes. Reckless driving, driving under the influence, speeding— all these create a risk of accidents, injuries and death. These other areas could just be handled with a photograph of the license plate and a fix-it ticket mailed to the owner requiring only demonstration that the issue had been addressed with no further fine. The police would not need to pull someone over, itself a potential driving hazard and a situation which research shows causes the police officer stress, and WASTE TIME issuing a ticket. In police jurisdictions which have introduced this type of legislation, the result has been improved public safety in part because officers have more time to ticket reckless driving of all sorts. Others have provided you with this irrefutable evidence.

I urge the committee to vote in favor of this bill to improve public safety and eliminate targeting specific groups of drivers.

Thank you,
Anita Lampel

2025 Testimony on HB 635 FAV Cichowski.pdf

Uploaded by: Carol Cichowski

Position: FAV

House Bill 635
Motor Vehicles-Secondary Enforcement and Admissibility of Evidence
Judiciary Committee – February 12, 2025
FAVORABLE

Thank you for this opportunity to submit written testimony in support of House Bill 635. I am a long-time resident of Montgomery County who is concerned about the troubling racial disparities in traffic stops and the impact on Black drivers who are being stopped for minor infractions that do not result in other findings of wrongdoing.

I support this bill because it will reduce unnecessary police encounters for minor traffic offenses that disproportionately affect Black drivers. The bill would establish limitations on traffic stops for minor non-moving and low-level traffic infractions that are to be distinguished from “collision contributing violations” that involve driving in a dangerous or unsafe manner. The bill takes an approach already implemented in a variety of jurisdictions.¹

Setting limits on traffic stops will reduce racial disparities and community trauma, improve community policing relationships, and promote policing efficiency and safety for all by allowing police to focus on high priority safety strategies.

Racial profiling by law enforcement on American roads is a nation-wide problem that has been well documented. Black drivers are more likely than White drivers to be pulled over by police and Black and Latinx are significantly more likely to be searched. **For Black individuals, the disproportionate impact on them has turned driving, an ordinary American activity, into an experience fraught with discomfort, trauma, if not danger and risk.** Notably, national data show disproportionately higher racial disparities for drivers of color than for White drivers for stops for minor violations as compared to collision contributing violations.² It appears that no person of color is safe from this discriminatory treatment regardless of age, gender, type of car, or compliance with the law.

A stop can be traumatizing for Black individuals who already share collective trauma from the long history of police violence against the Black community in our country. There is a growing body of research that tells us that persistent exposure to police is linked to higher levels of stress and anxiety and that **policing that is more aggressive or intrusive can have deleterious effects on the mental health and well-being of**

¹ Katie Blum and Jill Paperno, “Stop the Stops: The Disparate Use and Impact of Police Pretext Stops on Individuals and Communities of Color, A Preliminary Report,” Empire Justice Center (January 2023), p. 58-62, <https://empirejustice.org/wp-content/uploads/2023/02/Stop-the-Stops-Empire-Justice-Centers-Preliminary-Report-on-Racial-Disparities-in-Pretext-Stops.pdf>

² Blum (2023), p. 12-16; Emma Pierson, Camelia Simoiu, Jan Overgoor, et al., “A Large-scale analysis of racial disparities in police stops across the United States,” Nature Human Behavior, Vol. 4 (July 2020), p. 736-745, <https://www.nature.com/articles/s41562-020-0858-1>

individuals and communities.³ Stops often involve language that is insulting, dehumanizing, humiliating, or abusive. However, even politeness on the part of the police does not make an unjustified stop acceptable to someone who feels they have been singled out because of their race.

Stops can also lead to physical, even deadly, confrontations. Since 2017, more than 800 people have been killed after being pulled over in the U.S.⁴ America’s shameful history of police stops that have resulted in the deaths of Black men has created a visceral fear for people of color—a sense that regardless of how careful one might be, there is a chance that an encounter with police might become volatile and dangerous.

What is particularly problematic is that many of the stops in which people of color are disproportionately impacted are pretextual stops in which the alleged violation is only a pretext for stopping the vehicle to do a search. Even though police can legally do these pretextual stops, the disproportionate impact on Black drivers undermines trust in law enforcement and alienates law-abiding citizens.

Policing practices like pretextual stops send the message that Black residents are not equal and full members of the community, worthy of the same protection.

Moreover, the evidence is that they do not make us safer and that resources are better directed elsewhere. A pretextual stop for a minor violation can create a tense, unpredictable situation that can quickly escalate. The minimal number of arrests or items seized in connection with pretextual stops comes at a great cost.⁵

As is in the case in other jurisdictions, there is no question that people of color are, and have been, disproportionately represented in traffic stops in Montgomery County for a long time.

The Montgomery County Office of Legislative Oversight reported that traffic stop data for FY 2018-2022 show that Black drivers account for 30 percent of the stops while they represent about 18 percent of the population. Black males, who represent about 9 percent of the population, experienced 20 percent of the stops. OLO reported that the data also show that Black and Latinx drivers were stopped and searched for lower-level traffic

³ National Academies of Sciences, Engineering, and Medicine, *Reducing Racial Inequality in Crime and Justice: Science, Practice, and Policy*, Washington, DC: The National Academies Press (2023), p. 162, <https://www.nationalacademies.org/our-work/reducing-racial-inequalities-in-the-criminal-justice-system>

⁴ According to statistics from the Mapping Police Violence data base. See “Why do so many police traffic stops turn deadly”, BBC News, Washington (January 31, 2023), <https://www.bbc.com/news/world-us-canada-64458041>

⁵ Data from different jurisdictions suggest that pretextual stops amount to a needle-in-a-haystack approach to finding contraband. See Sam McCann, “Low-Level Traffic Stops are Ineffective—and Sometimes Deadly. Why are They Still Happening?” Vera News and Stories (March 29, 2023), <https://www.vera.org/news/low-level-traffic-stops-are-ineffective-and-sometimes-deadly-why-are-they-still-happening>

violations (such as expired registrations or equipment issues) at disproportionately higher rates than White drivers.⁶

Traffic stop data from the Maryland Safety Dashboard for 2016-2022 show that Black drivers in Montgomery County were twice as likely to be stopped for traffic violations than White drivers and more than 3 times as likely to be stopped and subsequently subject to a consensual search.⁷ These data also show that pretextual stops with consent searches are less likely to result in an arrest for Black people in Montgomery County than White people, indicating possible bias.⁸

HB 635 promotes public safety because the approach it takes allows traffic enforcement to focus on the most dangerous driver behavior — impaired, reckless, distracted, and aggressive driving, and driving affecting pedestrian safety. While police might argue that the bill would limit the capacity of law enforcement, it is time to weigh the benefits of making stops that are not related to dangerous driving and that do not typically result in an arrest for criminal activity against the psychological toll they exact on innocent people, the adverse impact on community trust in policing, and the risk of physical danger to all involved.

This bill takes a commonsense step in the right direction toward alleviating the harm caused by unnecessary police interactions with people of color in the state while continuing to support goals relating to improving road safety and eliminating fatalities and severe injuries.

For these reasons, I urge a Favorable report on HB 635.

**Carol Cichowski
Bethesda, Maryland**

⁶ OLO Memorandum Report 2022-12 (October 20, 2022), p. 9 and 20, https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLOREport2022-12.pdf

⁷ Maryland Public Safety Dashboard. <https://goccp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/> Between 2016 and 2022, there were 149,162 stops of Black drivers and 156,938 stops of White drivers by police in the five agencies. Black drivers were stopped at a rate of 76 times for every 100 Black residents (149,162/197,077) compared to a rate of 36 for White drivers (156,938/430,980), resulting in a risk ratio of 2. I used the population data from the 2020 Decennial Census for all the population-based calculations. Over the 7-year period Black drivers were stopped and subject to a consensual search at a rate of almost 5 per 1000 Black residents (922/197,077) compared to the rate of about 1 per 1000 White residents (561/430,980). **These calculations may underestimate the impact on Black drivers because** they assume that Black residents are as likely as White residents to be driving in Montgomery County.

⁸ National Academies of Sciences (2023), p. 71.

HB635_CarolStern_FAV.pdf

Uploaded by: CAROL STERN

Position: FAV

Carol Stern
4550 North Park Avenue, Apt T106
Chevy, Chase, MD 20815

TESTIMONY ON HB635
(Motor Vehicles - Secondary Enforcement and Admissibility of Evidence)

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

FROM: Carol Stern

My name is Carol Stern and I am a resident of District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda. I provide this testimony **in support of HB 635** as a mother and grandmother.

The Jewish text that shapes my religious and moral conviction that all people and especially juveniles must be treated fairly is the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote "teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult." When we are working to reform our justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

Police officers have a longstanding and well-documented history of **stopping drivers of color at significantly higher rates than white drivers**. A national study of nearly **100 million traffic stops** found that **Black drivers were stopped more often than white drivers**, relative to their share of the population. These racial disparities similarly apply to traffic-stop related searches and arrests. These racial disparities contribute to **life-long trauma** for the victims of these stops and an enduring **distrust**.

Additionally, younger and inexperienced drivers are more likely to commit traffic violations and, as a result, are stopped more frequently than older, more experienced drivers. Research shows that men and younger adults, including adolescents, tend to engage in higher levels of risky or unlawful behaviors, which may lead law enforcement officers to scrutinize younger men more closely during traffic stops compared to older individuals or women, regardless of race or ethnicity. This heightened scrutiny, combined with **existing racial disparities in traffic stops**, places **younger Black and Latinx men at an even higher risk of being stopped by police**.

As a mother of two children and a grandmother of three teenagers I understand the importance of the change this bill will provide. The passage of HB 635 will help to end the racial disparities in traffic stops, which disproportionately targets young Black and Latinx men.

I respectfully urge this committee to return a favorable report on HB 635.1

Charmin Leon Written Testimony FAV HB 635.pdf

Uploaded by: Charmin Leon

Position: FAV

MARYLAND HOUSE JUDICIARY COMMITTEE HEARING:

Public Hearing on House Bill 635, Feb. 12, 2025

TESTIMONY SUBMITTED *via email*:

Feb. 10, 2025

**TESTIMONY OF CHARMIN LEON OF CENTER FOR POLICING EQUITY IN
SUPPORT OF H.B. 635**

My name is Charmin Leon, and I served nearly 13 years at the Cleveland Division of Police in Ohio. Currently, I am the Director of Law Enforcement Initiatives at the Center for Policing Equity, a research and action organization made up of former law enforcement, academics, and community engagement specialists that uses scientific research to identify and reduce racial disparities in policing.

House Bill 635 is an important step towards preserving officer resources and morale, addressing equity, and improving traffic safety across the state of Maryland. Passing this bill would bring law enforcement in Maryland in line with evidence-based policing that is the modern standard of our profession, and would better allocate police resources towards practices that can actually make all of our communities safer.

I spent years on patrol as well as leading the background investigation and recruitment units. In that time, I found that officers who focused on non-safety stops were the least effective at discovering serious crimes and had a major negative impact on the morale of other officers who had to pick up their extra slack. Maryland law enforcement currently expend a significant portion of their capacity on non-safety related violations. State data from 2023 show that 44% of all traffic stops are for equipment- or registration-related violations,¹ while equipment violations were a contributing factor in just 0.2% of vehicles involved in fatal crashes.² This is not a good use of limited police resources.

When officers devote so much of their time to these non-safety related stops, it prevents them from focusing on behavior that actually endangers public safety. It is not an effective crime fighting strategy and does not improve road safety. Studies show that these stops rarely uncover

¹ *Race-Based Traffic Stop Data Dashboard*. Maryland Governor's Office of Crime Prevention and Policy. <https://gocpp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/>.

² NHTSA, Fatality & Injury Reporting System Tool. (filter: vehicles, vehicles involved in fatal crashes, Maryland, contributing circumstances: headlights; or signal lights; or other lights; or mirrors; or windows/windshield, 2018-2022).

guns or other contraband.³ At a time when law enforcement agencies across the country are experiencing a crisis of officer recruitment and retention, it is imperative that law enforcement resources are focused on public safety interventions that are impactful, for the sake of both efficiency and officer morale.

Deprioritizing low-level enforcement *has* proven successful in improving road safety and enhancing racial equity. When Fayetteville, North Carolina’s police department shifted their enforcement priorities, safety-related stops increased from 30% to 80% of all traffic stops, traffic fatalities dropped by 28%, racial disparities were significantly reduced, and reported crime rates remained the same.⁴ When Newington, Connecticut shifted their enforcement focus, DUI arrest rates increased by 250%.⁵ And while focusing more on driving infractions that contribute to crashes, law enforcement in Philadelphia recovered more guns from traffic stops.⁶

Finally, this bill would also improve racial disparities in Maryland policing. Currently, Black drivers constitute at least 43% of all vehicle traffic stops, despite only making up 30% of the state’s population.⁷ Additionally, Black drivers are over four times more likely to be subjected to a warrantless vehicle search than White drivers.⁸ Such unnecessary stops are—at best—traumatic for Black community members and undermine the public’s confidence in the law enforcement profession.

HB 635 is a proven, common-sense solution to the issues of road safety, racial equity, and officer morale that public safety professionals in Maryland face every day. This bill would be a win for all Marylanders, and I urge you to vote in its favor. Thank you.

Charmin Leon
Director, Law Enforcement Initiatives
Center for Policing Equity

³ Baumgartner, F. R., Epp, D. A., & Shoub, K. (2018). *Suspect citizens: What 20 million traffic stops tell us about policing and race*. Cambridge University Press. pp. 54, 230.

⁴ Fliss, M. D., Baumgartner, F., Delamater, P., Marshall, S., Poole, C., & Robinson, W. (2020). Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities. *Injury Epidemiology*, 7(1), 3.
<https://doi.org/10.1186/s40621-019-0227-6>

⁵ Condon, T. (2022, January 31). After poor start, CT anti-racial profiling effort is making progress. *Hartford Courant*.

⁶ Monroe, H. (2023, March 3). New Philly law takes weapons off the streets, data shows. *CBS News Philadelphia*.
<https://www.cbsnews.com/philadelphia/news/new-philly-law-takes-weapons-off-the-streets-data-shows/>

⁷ *Race-Based Traffic Stop Data Dashboard*.

⁸ *Ibid*.

Chris Burbank Testimony in Support of HB 635.pdf

Uploaded by: Chris Burbank

Position: FAV



MARYLAND HOUSE JUDICIARY COMMITTEE HEARING:

Public Hearing on House Bill 635, Feb. 12, 2025

TESTIMONY SUBMITTED *via email*:

Feb. 10, 2025

TESTIMONY OF CHRIS BURBANK IN SUPPORT OF H.B. 635

My name is Chris Burbank, I am the former Police Chief of Salt Lake City and spent nine years in that position. During that time I served as Vice President of the Major Cities Chiefs, an association of the 70 largest cities in the United States and Canada. Additionally, I am past President of the FBI National Executive Institute Associates. Currently, I am with the Center for Policing Equity, a research and action organization that uses science to identify and reduce the causes of racial disparities in public safety.

Whenever we speak of changes to traditional law enforcement activities, arrests, searches, and tickets we are met with an uninformed rebuttal of crime rising and chaos on our roadways. This is simply not accurate. There is not a scientific correlation between the beloved, TV-making actions of policing and increased safety in our communities. Crime, and yes, traffic crashes have traditionally run independent of policing activities.

HB 635 represents an educated step towards prioritizing a limited and specialized resource, policing. In New Haven, Connecticut when the chief reprioritized traffic enforcement to focus on dangerous driving the department reported a six percent reduction in equipment and administrative offenses, accidents dropped by ten percent, and crime dropped by five percent.¹ I'm not going to tell you crime is going to decrease because of this bill. More importantly, I'm telling you the opposition's gloom is inaccurate. I will tell you what the benefits of passing this bill will be; enhanced trust and confidence in government, decreased racial disparities in enforcement and improved law enforcement legitimacy.

This bill is not tying the hands of law enforcement. The Constitution of the United States is not a tool of law enforcement but rather a boundary, setting forth a minimum standard of conduct. The practice of enforcement should not walk us near that precipice. We have individuals in this country with hundreds of documented police initiated encounters. These encounters are not ending in prison sentences for acts of violence, they are not enhancing public safety. They are,

¹ Ross, M. B., Kalinowski, J. J., & Barone, K. (2020). Testing for disparities in traffic stops: Best practices from the Connecticut model. *Criminology & Public Policy*, 19(4), 1289–1303. <https://doi.org/10.1111/1745-9133.12528>



most certainly, adding to the disparate outcomes of policing and decimating neighborhoods across Maryland and the Nation. Pretext stops are not effective at keeping communities safe.²

We can do better. The economic and social cost of traffic enforcement for non-safety infractions outweighs any benefit. The time has come for us to ask of policing, “should we?” as opposed to “can we?” I encourage you to support HB 635.

Chris Burbank
Salt Lake City Police Chief (Retired), Center for Policing Equity

² Dias, M., Epp, D. A., Roman, M., & Walker, H. L. (2024). Consent searches: Evaluating the usefulness of a common and highly discretionary police practice. *Journal of Empirical Legal Studies*, 21(1), 35–91.
<https://doi.org/10.1111/jels.12377>

LWVMD_2-12-25 - HB 635 Motor Vehicles - Secondary

Uploaded by: Cynthia Boddie-Willis

Position: FAV



TESTIMONY TO THE JUDICIARY COMMITTEE, ENVIRONMENT AND TRANSPORTATION COMMITTEE

HB 635 Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

POSITION: Support

BY: Linda Kohn, President

DATE: February 12, 2025

The League of Women Voters supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices. We support the elimination of systemic bias, including the disproportionate policing and incarceration of marginalized communities. Policing practices should promote safety for both law enforcement officers and the communities they serve.

HB 635 outlines a comprehensive list of equipment infractions (secondary infractions) that do not pose a threat to drive safety. Traffic stops for non-safety related reasons have been [documented](#) to be more frequent among black drivers. A national study of nearly [100 million traffic stops](#) found that Black drivers were stopped more often than white drivers, relative to their share of the population.

According to a fact sheet put out by the Maryland Public Defenders Office “stops increase the risk of physical, psychological, and economic harm, especially in Black communities. In addition to the social costs inherent in any interaction with the police, the frequency of these stops and their disparate impact on communities of color also compound distrust in government institutions such as police and prosecutor offices, which depend on the public’s cooperation.”

We urge a favorable report on HB 635.

Vera_Written_Testimony_SUPPORT_MD_HB635_House_Judi

Uploaded by: Daniel Bodah

Position: FAV

**Testimony of Daniel Bodah, Esq.
Senior Program Associate, Redefining Public Safety
Vera Institute of Justice**

**Before the House Judiciary Committee of Maryland
In Support of Maryland House Bill (HB) 635, Motor Vehicles
Secondary Enforcement & Admissibility of Evidence**

February 7, 2025

The Vera Institute of Justice appreciates the opportunity to provide testimony to the Maryland House Judiciary Committee in support of HB 635. Vera is a national research and policy organization that has been working to end mass incarceration and build safe, thriving communities for more than 60 years. As a senior program associate with Vera's Redefining Public Safety initiative, I work with law enforcement leaders, legislators, and community members across the United States in efforts to improve roadway safety and address harmful racial disparities in traffic enforcement while maintaining public safety.

Nationally, police stop more than 20 million motorists a year for alleged traffic violations.¹ A significant number of these traffic stops are for minor violations that do not affect public safety. This is also true in Maryland. In 2023, the most common reasons for traffic stops in Maryland given by local and state police were registration violations (23 percent) and equipment defects (20 percent).² Available data covering 2016 to 2023 shows that these are long-standing enforcement trends: over this period, equipment defects are the top reason for stops (20 percent), and registration violations are third (15 percent).³

However, traffic safety research also shows that crashes and crash-related deaths have increased in recent years in Maryland, and these low-level infractions are not significant factors in roadway safety.⁴ As detailed below, these stops for low-level infractions are not only unnecessary for keeping roads safe, but they also do not effectively prevent crime, and they disproportionately subject Black drivers and other drivers of color to harmful, unwarranted stops, searches, and uses of force. HB 635 presents a reasonable policy approach to modernize traffic enforcement that will prioritize traffic safety, reduce harm to communities, and free police to fight serious crime more effectively.

I. HB 635 Represents a Solution

Addressing low-level stops is emerging as a key solution to the harms caused by traffic stops, as well as high traffic fatalities nationwide.⁵ Backed by evidence, states from Virginia to Oregon and cities from Philadelphia to Ann Arbor have enacted policies like HB 635 that remove police from enforcement of minor traffic violations. By Vera's count, at least 12 jurisdictions nationwide have passed such policies, and many more have done so by law enforcement agencies directing officers to refocus traffic enforcement on safety.⁶ Extensive research shows that these policies provide four key benefits:

First, policies like HB 635 improve traffic safety by freeing police to focus enforcement on unsafe driving behavior. A major study showed that by virtually eliminating stops for minor traffic violations, one jurisdiction in North Carolina was able to focus on safety stops for dangerous driving. This reduced traffic accidents and racial disparity in overall stops—with no impact on non-traffic-related crime.⁷ Traffic enforcement provides safety when it focuses on high-risk behaviors like speeding and impaired

driving. By redirecting limited police resources away from low-level infractions unrelated to road safety, HB 635 would support Maryland’s strategic highway safety goals.

Second, ending low-level stops can promote public safety and community trust. The frequency of these stops and their disparate impact on communities of color can compound distrust in government institutions such as police departments and prosecutors’ offices, which depend on the public’s cooperation to solve crimes.⁸ Studies repeatedly show that Black drivers and other drivers of color are not only more likely to be stopped than white drivers but are also treated more harshly during stops.⁹ Further, they are subjected to more use of force and more frequent searches despite being less likely to have contraband.¹⁰

Third, these policies can protect drivers and police from being hurt in unnecessary traffic stops.¹¹ In 2024, police killed 152 people during traffic stops.¹² Traffic stops are also dangerous for law enforcement officers; being killed by a passing car during a traffic stop is one of the top five reasons for line-of-duty deaths.¹³ In addition to physical harms, fines and fees from traffic stops can cause economic harm, pushing low-income Americans further into a cycle of debt and poverty.¹⁴ Further, the social costs of police interactions like traffic stops include increased risk of negative impact to health, educational development, civic participation, and economic security.¹⁵

Fourth, these policies reduce harmful racial disparities. The harms of traffic stops are not equally felt. Nationally, more than 25 percent of people killed in traffic stops are Black, despite Black people making up only 12 percent of the population.¹⁶ And although racial disparities abound throughout traffic enforcement, studies in Montgomery County, Maryland, and elsewhere find greater disparities in non-safety stops than in safety-related stops.¹⁷ Eliminating these stops works: after Philadelphia instituted its policy on low-level stops, traffic stops involving Black men went down 54 percent.¹⁸

Long-standing racial disparities in Maryland’s traffic enforcement are documented in the Race-Based Traffic Stop Data Dashboard established by the legislature with [Transportation Article § 25–113\(f\)\(2\)](#). In 2023, Black drivers made up more than 43 percent of drivers stopped by police—despite representing only 32 percent of the state population. Conversely, white drivers accounted for 39 percent of stopped drivers but 57 percent of the population.¹⁹ These racial disparities have persisted since the beginning of data collection in 2016.²⁰

II. Ending Low Level Traffic Stops Has Proven to Increase Public Safety

Opponents of these policies tend to argue that these stops are necessary for fighting crime and keeping the road safe, both of which are demonstrably false.

Regarding public safety, which is often the stated reason for enforcing these minor infractions, low-level stops very rarely result in the recovery of guns or other contraband.²¹ Data from across the country has repeatedly confirmed this, including Vera’s own research in Suffolk County, Massachusetts.²² A 2018 study of nonmoving violation traffic stops in Nashville, Tennessee, found that less than one-tenth of one percent (0.8 out of every 1,000) of such stops resulted in police charging someone with possessing a weapon. The Nashville study also found—as did the previously referenced North Carolina study—that non-traffic crime did not go up when the volume of traffic stops went down.²³

Looking more broadly at *all* traffic stops, studies find that they are not an effective crime fighting tool.²⁴ For example, a recent study of the eight largest California police departments revealed that firearms were confiscated in only about 0.5 percent of stops.²⁵ In Maryland, the Montgomery County Police Department’s (MCPD) numbers are even lower: in 2022, MCPD confiscated firearms in just 172 out of 35,945 traffic stops, a 0.5 percent recovery rate, or approximately one seizure per 209 stops.²⁶ Policies like HB 635 actually seem to make police searches more effective: after Philadelphia removed eight non-safety infractions from police enforcement, the number of stops dropped but the number of successful seizures of firearms *increased*.²⁷ While addressing gun violence is an important goal, police should use methods far more precise than the needle in a haystack approach of searching vehicles for firearms during tens of thousands of unrelated traffic stops, given the grave risk to drivers’ safety and community trust caused by these stops.

Regarding road safety, banning low-level stops does not prohibit police from making traffic stops due to more serious equipment violations, like two missing headlights or anything causing visibly reckless driving. Also, the equipment violations enforced in low-level traffic stops do not contribute to accidents, as a Connecticut analysis found. For example, defective lighting accounted for 9.4 percent of all Connecticut traffic stops, but only 0.1 percent of crashes between 2015 and 2019.²⁸ The evidence is clear: eliminating the low-level stops specified in HB 635 will not prevent police from stopping dangerous driving. The status quo has failed to keep Maryland roadways safe from crashes, and modernizing roadway safety requires laws like HB 635 that refocus enforcement on the dangerous, intoxicated, and distracted driving that we know is responsible for carnage on the roads.²⁹

III. Policies like HB 635 Have Bipartisan Voter Support

Polling from Safer Cities Research indicates that 69 percent of all voters support such policies, with support from 81 percent of Democrats and 59 percent of Republicans. When asked the best approach to dealing with a driver with a single burned-out brake or taillight, for example, only 21 percent of voters selected a stop by an armed police officer.³⁰ Voters clearly understand there are better ways to handle these issues.

HB 635 takes a meaningful yet commonsense approach to the harms of low-level traffic stops, curtailing police enforcement only for a targeted and evidence-backed list of minor violations unrelated to public safety. We encourage the Maryland legislature to join the national movement to modernize traffic enforcement through a well-crafted policy that can save lives and also reduce harmful racial disparities. Everyone in Maryland deserves to be safe behind the wheel, and HB 635 is a step in that direction.

Thank you for the opportunity to contribute testimony. Please contact me at dbodah@vera.org if the Vera Institute of Justice may provide further information or assistance.

¹ The Stanford Open Policing Project, “Findings,” 2023, <https://openpolicing.stanford.edu/findings/>.

² Maryland Governor’s Office of Crime Prevention and Policy (GOCPP), “Race-Based Traffic Stop Data Dashboard,” accessed January 24, 2025, <https://gocpp.maryland.gov/data-dashboards/traffic-stop-data-dashboard>.

³ Ibid.

⁴ National Highway Traffic Safety Administration, *Traffic Safety Facts 2022: A Compilation of Motor Vehicle Crash Data* (Washington, DC: Department of Transportation, 2024), “Table 64. Related Factors for Drivers Involved in Fatal Crashes,” 111, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813656>; and Maryland Department of Transportation Motor Vehicle Administration Highway Safety Office, “Maryland Crash Data,” accessed January 25, 2025, <https://zerodeathsmd.gov/resources/crashdata>.

⁵ See Sarah Holder, “These Cities Are Limiting Traffic Stops for Minor Offenses,” Bloomberg CityLab + Equality, February 2, 2023, perma.cc/AJW7-ZMFY. For high traffic fatalities in the United States, see Jonathan Adkins, “U.S. Traffic Deaths Remain Unacceptably High Despite Minor Decrease,” press release (Washington, DC: Governors Highway Safety Association, January 9, 2023), perma.cc/9ZGK-HPSX.

⁶ Jurisdictions passing these policies include Virginia, Philadelphia (PA), San Francisco (CA), Pittsburgh (PA), West Hollywood (CA), Brooklyn Center (MN), Berkeley (CA), Oregon, Evanston (IL), New York, Chapel Hill (NC), and Memphis (TN). Jurisdiction enacting such policy through police order include Fayetteville (NC), Nashville (TN), Lansing (MI), Los Angeles (CA), Seattle (WA), Portland (OR), Culver City (CA), Oakland (CA), Minneapolis (MN), and Mecklenburg County (NC). Jurisdictions with relevant prosecutorial policies include Ingham County (MI), Ramsey County (MN), Chittenden County (VT), and Washtenaw County (MI).

⁷ Mike Dolan Fliss, Frank Baumgartner, and Paul Delamater, et al., “Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities,” *Injury Epidemiology* 7, no. 3 (2020), perma.cc/S75L-HMUE.

⁸ Libby Doyle and Susan Nembhard, “Police Traffic Stops Have Little to Do with Public Safety,” Urban Institute, April 16, 2021, perma.cc/UG9K-Z7X2; and Simone Weichselbaum, Emily R. Siegel, and Andrew Blankstein, “Police face a ‘crisis of trust’ with Black motorists. One state’s surprising policy may help.” NBC News, October 7, 2021, perma.cc/T2FX-WW4H.

⁹ Stanford Open Policing Project, “Findings,” 2023.

¹⁰ Center for Policing Equity, “Compounding Anti-Black Racial Disparities in Police Stops,” October 9, 2024, <https://www.policingequity.org/newsroom/official-statements/cpe-publishes-white-paper-on-compounding-anti-black-racial-disparities-in-police-stops>.

¹¹ See Sarah Holder, “These Cities Are Limiting Traffic Stops for Minor Offenses,” Bloomberg CityLab + Equality, February 2, 2023, perma.cc/AJW7-ZMFY. For more on the physical harms of traffic stops, see Sam Levin, “US Police Have Killed Nearly 600 People in Traffic Stops Since 2017, Data Shows,” *Guardian*, April 21, 2022, perma.cc/YS2U-SZD4; for psychological harms, see Rheana Murray, “The Conversation Black Parents Have With Their Kids About Cops,” ABC News, December 8, 2014, perma.cc/J7ZZ-HVAW; for economic harm, see German Lopez, “The Tyranny of a Traffic Ticket,” *Vox*, August 10, 2016, perma.cc/K6E5-3BGU; for high traffic fatalities in the United States, see Jonathan Adkins, “U.S. Traffic Deaths Remain Unacceptably High Despite Minor Decrease,” press release (Washington, DC: Governors Highway Safety Association, January 9, 2023), perma.cc/9ZGK-HPSX.

¹² Mapping Police Violence, “2024 Police Violence Report,” 2025, <https://policeviolencereport.org>.

¹³ National Law Enforcement Officers Memorial Fund, “Causes of Law Enforcement Deaths: Over the Past Decade (2014-2023),” <https://nleomf.org/memorial/facts-figures/officer-fatality-data/causes-of-law-enforcement-deaths>.

¹⁴ The Crime Report, “Driven to Debt: How Traffic Fines ‘Punish Americans for Their Poverty,’” March 8, 2019, perma.cc/6RQ4-2ZQR.

¹⁵ Aaron Stagoff-Belfort, Daniel Bodah, Daniela Gilbert, *The Social Costs of Policing* (New York: Vera Institute of Justice, 2022), perma.cc/6ZN7-M2UT.

¹⁶ Levin, “US Police Have Killed,” 2022. See also, Mapping Police Violence, “2022 Police Violence Report,” 2023.

¹⁷ For racial disparities in all traffic enforcement, see Emma Pierson, Camelia Simoiu, Jan Overgoor, et al., “A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States,” *Nature* 4 (2020), 736-745, perma.cc/3LR6-ZBDF. For racial disparities in low-level stops, see Frank R. Baumgartner, Derek A. Epp, and Kelsey Shoub, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race* (New York: Cambridge University Press, 2018). For racial disparities in Montgomery County traffic stops, see Natalia Carrizosa, Memorandum from Montgomery County (MD) Office of Legislative Oversight to County Council, OLO Memorandum Report 2022-12, re: “Analysis of data Montgomery Traffic Violations Dataset,” October 25, 2022, 15-19, <http://perma.cc/DQG6-VNXN>.

-
- ¹⁸ Sammy Caiola, “Data Shows Philly Traffic Stops Involving Black Men are Down 54 percent” WHYY, March 6, 2023, perma.cc/LMJ3-FFSH. The findings from Fayetteville, NC also showed that eliminating low level traffic stops reduced racial disparities. See Fliss et al., “Re-prioritizing traffic stops,” 2020.
- ¹⁹ Maryland GOCPP, “Race-Based Traffic Stop Data Dashboard.” For population demographics, see U.S. Census Bureau, “Quick Facts Maryland,” access January 27, 2025, <https://www.census.gov/quickfacts/fact/table/MD/PST045223>.
- ²⁰ Ibid.
- ²¹ ACLU-DC & ACLU Analytics, *Racial Disparities in Stops by the D.C. Metropolitan Police Department: Review of Five Months of Data* (Washington, DC: ACLU, 2020), perma.cc/N4B8-AA86.
- ²² Seleeke Flingai, Mona Sahaf, Nicole Battle, and Savannah Castañeda, *An Analysis of Racial Disparities in Police Traffic Stops in Suffolk County, Massachusetts, from 2010 to 2019* (New York: Vera 2022), 34.
- ²³ The Policing Project at New York University School of Law, *An Assessment of Traffic Stops and Policing Strategies in Nashville* (New York: New York University School of Law, 2018), 9, perma.cc/YFD2-7RJL; and Fliss et al., “Re-prioritizing traffic stops,” 2020.
- ²⁴ Geoff Pearson and Mike Rowe, “Gone Fishing: The Operation of Police Vehicle Stops in England and Wales,” *Criminology and Criminal Justice*, February 25, 2023, doi.org/10.1177/17488958231155275.
- ²⁵ Deepak Premkumar, Andrew Skelton, and Magnus Lofstrom, “How Often Are Firearms Confiscated During Traffic Stops?” Public Policy Institute of California, February 16, 2023, perma.cc/92WP-RHWJ.
- ²⁶ Montgomery County Council, Transportation & Environment and Public Safety Committees, *Discussion: OLO Memorandum Report 2022-12: Analysis of Data Montgomery Traffic Violations Dataset*, February 6, 2023, 1:32:00 (statement of Captain Brian Dillman, Traffic Operations Division, MCPD), youtube.com/watch?v=y0d_5_FhGxo.
- ²⁷ Sam Raim, “Police Are Stopping Fewer Drivers — and It’s Increasing Safety,” Vera Institute of Justice, January 11, 2024, <https://www.vera.org/news/police-are-stopping-fewer-drivers-and-its-increasing-safety>.
- ²⁸ Memorandum from Connecticut Racial Profiling Prohibition Advisory Board to Logistics Subcommittee, Police Transparency and Accountability Task Force, re: “Evaluation and Recommendations of a Primary and Secondary Traffic Enforcement System,” February 4, 2021, perma.cc/9DLL-H98G.
- ²⁹ For information on effective ways to reduce pedestrian deaths, see U.S. Department of Transportation, “What Is a Safe System Approach?” <http://transportation.gov/NRSS/SafeSystem>.
- ³⁰ Vera Institute of Justice, *New Polling Shows Support for Limiting Police Stops for Low-Level Traffic Violations* (New York: Vera, 2023), perma.cc/DY9L-9FAQ.

PFPT Testimony in Favor of HB 635.pdf

Uploaded by: Ferd Hoefner

Position: FAV

**Presbyterians for Police Transformation
Takoma Park Presbyterian Church**

**Testimony in Support of House Bill 635
Submitted to the
Maryland House Judiciary Committee**

February 10, 2025

Chair Clippinger and Members of the Committee, thank you for the opportunity to testify. As members of the Takoma Park Presbyterian Church organized as Presbyterians for Police Transformation, we want to indicate our strong support of House Bill 635, an Act concerning motor vehicles, secondary enforcement and admissibility of evidence.

We believe this legislation will improve public safety in at least three ways:

- by prioritizing policing of dangerous driving and serious traffic offenses, thereby increasing traffic safety and removing the burden on our police officers for enforcing non-safety-related infractions;
- by improving community trust of police and the rule of law; and
- by reducing the harm and trauma of individuals and families who are targeted in pretextual traffic stops.

Our church has an active racial justice initiative which helps inform our perspective on policing issues, as does the testimony of members of our congregation who are Black and whose families have experienced mistreatment from the police, including during pretextual traffic stops. We have seen first-hand, in our own community and congregation, that people of color are at greater risk of being stopped and searched, and that low level traffic stops exacerbate that disparity. We have also heard gripping and disheartening stories from our fellow congregants of the personal and family trauma resulting from pretextual and racial-profiled traffic stops.

While we're motivated by these experiences, our advocacy for the bill is guided by the data and research which reveal that states and cities with policies like those in HB 635 decrease racial disparities in traffic enforcement, result in fewer car crashes and traffic injuries/fatalities, and have little impact on non-traffic crime. The evidence shows that limiting non-safety-related traffic stops leads to improvements in traffic safety, reducing racial disparate outcomes, and does not lead to more crime. We urge you to examine the experience and data from Massachusetts, Michigan, Minnesota, North Carolina, Pennsylvania, Tennessee, and Virginia where similar policies have been enacted at the state, county, or municipal level. This is a successful policy and one that is growing across the country.

We are keenly aware of the strong support within our congregation, and indeed within the state and country, for traffic enforcement to keep our roads safe for pedestrians, bicyclists, and cars. That is why we believe there is a smarter way to employ police for safety – by taking non-safety-related traffic enforcement off their plate so that police can focus their time and resources on

dangerous driving, including moving violations such as speeding, illegal turns, running red lights and stop signs, and reckless disregard for pedestrians.

Traffic stops are among the most common ways in which the public interacts with police. Traffic stop data at the national, state, county, and municipal levels show that police disproportionately stop people of color, often for pretextual reasons, and too often with devastating results. Thus, passage of this legislation would not only improve public safety but also decrease racial disparities. Importantly from an improved data collection and reporting perspective, the bill would require officers to document reasons for traffic stops on citations and police reports resulting from the stop.

The bill would helpfully expand the list of infractions that can be enforced only as secondary actions upon a stop predicated on dangerous driving violations. Broadly, this expanded list of secondary actions includes equipment issues -- such as a broken light or tinted window -- and administrative issues -- such as recently expired registration or license plate placement -- neither of which create an immediate safety risk to people inside and outside the vehicle. According to the Office of Crime Prevention and Policy's traffic safety dashboard, equipment and registration-related violations accounted for nearly 44 percent of traffic stops (over 200,000 annually) reported in 2022 and 2023, representing a significant amount of time that could be better spent dealing with dangerous driving and improving public safety.

In your discussions on the bill and its list of proposed secondary actions, we would urge that if there were any amendments to the bill as the legislative process continues, that any changes be evidence-based and not based on anecdotes. As more and more cities, counties, and states (including Virginia), adopt similar measures, there is a growing body of comparative law as well as outcome-based evidence to draw upon and we urge you to do just that.

In addition, if the Committee considers an amendment to create an exception clause when a clear and articulable case can be made for an immediate and serious threat to safety, we urge you to keep such language narrow and precisely tailored.

Finally, we urge you to retain the data collection and reporting provision in this bill. Without this provision, there will be less transparency and public accountability, both of which are vital to future reform efforts.

In sum, we urge you to pass this legislation. Doing so serves the cause of public safety and of racial equity.

Thank you again for the opportunity to testify.

HB635_FAV_ACLUMD.pdf

Uploaded by: Glenda Gonzalez

Position: FAV



Testimony for the House Judiciary Committee

February 12, 2025

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

FAVORABLE

SEBASTIAN BROWN
PUBLIC POLICY CAMPAIGN
STRATEGIST

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 200
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
COREY STOTTEMYER
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on HB 635, the Secondary Enforcement and Admissibility of Evidence Act, which would make many minor non-safety-related traffic laws secondary violations, prohibiting them from being the sole reason for a traffic stop. Minor traffic violations include equipment violations like broken taillights, defective brake light, window tints and vehicle registration issues. HB 635 will help reduce risks of unnecessary traffic stops, decrease racial disparities in traffic enforcement and improve public safety.

Maryland has a long history of racial disparities in traffic enforcement. Statewide data from 2023 reveals that Black drivers constitute at least 43% of all vehicle traffic stops, despite only making up 30% of the state's population. Additionally, Black drivers are over four times more likely to be subjected to a warrantless vehicle search than white drivers.¹ These statistics indicate significant racial bias in traffic enforcement and reflect that Maryland is no exception to the national trend.²

Race-based disparities in the enforcement of low-level traffic infractions are frequently the result of pretextual traffic stops in which officers implicitly or explicitly hope that stopping a driver will yield evidence of criminal conduct, even though they don't have an independent legal basis to make a criminal stop.

¹ *Race-Based Traffic Stop Data Dashboard*. Maryland Governor's Office of Crime Prevention and Policy.

<https://app.powerbigov.us/view?r=eyJrIjoiZTBhNDYzMTMtZTRhMy00OWRkLTk3ZGI0ZmJlMGQ2OTRjMDQzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9&pageName=ReportSection>

² Frank R. Baumgartner et al., *Racial Disparities in Traffic Stop Outcomes*, 9 Duke Forum for Law & Social Change 21, 22 (2017)

This often leads police to prolonged stops by questioning drivers and pressuring them to consent to searches of their cars. As such, minor, non-safety related traffic stops pose serious risks to individuals' constitutional rights.

Pretextual traffic stops—which occur “on a massive scale,” are also dangerous and sometimes tragic.³ Philando Castille, for example, was fatally shot after being stopped for a broken taillight. Tyre Nicholas was fatally beaten after police stopped him for a traffic violation that recordings indicated never occurred.⁴ Here in Maryland in 2019, Demonte Ward-Blake was beaten by PGPD officers and paralyzed from the waist down after being stopped for an expired registration. Black men are twice as likely as white men to be killed by police.⁵ Considering stops for equipment and registration-related violations alone make up about 44% of all traffic stops, avoiding these non-safety related traffic stops would have a significant impact on reducing unnecessary police interactions that may lead to tragedy.⁶

Moreover, these non-safety related traffic stops are not a necessary or effective crime-fighting tool. Police resources are better spent directed towards solving violent crime and addressing serious public safety risks. In 2022, 64 percent of violent crimes reported to police in Maryland were not solved.⁷ Additionally, available data and various examples from other states show that reprioritizing traffic stops allows police to focus on dangerous driving, increasing traffic safety.

For the aforementioned reasons, the ACLU of Maryland urges a favorable report on HB 635.

³ United States v. Cole, 21 F.4th 421, 437 (7th Cir. 2021) (Hamilton, J., dissenting)

⁴ Loller, T., Mattise, J., & Sainz, A. (2023, February 9). *Tyre Nichols documents: Officer never explained stop to him*. AP News. <https://apnews.com/article/law-enforcement-tyre-nichols-memphis-3c20513e067d2f55786d8f42cf98b3c6>

⁵ Frank Edwards et al., Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex, 116 Proc. Nat' Acad. Scis. 16793, 16794 (2019)

⁶ *Race-Based Traffic Stop Data Dashboard*. Maryland Governor's Office of Crime Prevention and Policy. <https://app.powerbigov.us/view?r=eyJrIjoiaZTBhNDYzMTMtZTRhMy00OWRkLTk3ZGIzMjJmJmGQ2OTRjMDQzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCl9&pageName=ReportSection>

⁷ Dardeau, M & Salomon, N. (2024, January 23). *Violent Crime and Accountability Trends in Maryland*. Justice Center: The Council of State Governments. https://mgaleg.maryland.gov/meeting_material/2024/jpr%20-%20133505047428207622%20-%20CSG%20Presentation.pdf

HB 635.pdf

Uploaded by: Gus Griffin

Position: FAV

February 10, 2025

Maryland General Assembly

RE: Why I support HB 635 – Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

It should be clear to anyone concerned, that policing in the United States is currently undergoing a crisis of credibility.

A sizable portion of the public is losing confidence in status quo policing. Among specific groups such as Black males to which I belong, this mistrust has long existed. If confidence and credibility are to be restored, transparency is necessary. This is why I support HB 635.

While I have no illusions of this bill being a magic pill that will conduct the radical change needed for policing in Maryland, I do believe that it can contribute to the long illusive accountability for police behavior that has all too often served as judge, jury and even executioner.

It is foreseeable for the Fraternal Order of Police to play the same cards of denial and defending the indefensible. But the days of telling the public not to believe their own eyes have passed. In the short range, the people want accountability for police misconduct. In the long range, the people who want policing radically transformed into a community controlled model in which the power is shifted to the community.

HB 635 can contribute to the above noted short range objective. A truly representative House will support this bill.

Sincerely,

Professor Gus Griffin

Counseling

Montgomery College – Takoma Park

HB 635 Safer Traffic Stops CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE BILL 635

Motor Vehicles - Secondary Enforcement and Admissibility of Evidence: *Safer Traffic Stops for All*

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 10, 2025

The University of Baltimore School of Law Center for Criminal Justice Reform supports community driven efforts to improve public safety and address the harm and inequity caused by the criminal legal system. In alignment with this mission, we offer our strong support of HB 635.

Traffic stops are one of the most common sources of interactions between members of the public and police, and non-safety related traffic stops make up the bulk of these stops. Non-safety related traffic stops refer to low-risk infractions that do not create a safety risk to those in or outside of the vehicle, such as a broken taillight, expired registration or emission stickers. In the state of Maryland, according to the data, stops for non-safety related equipment and registration violations make up approximately 44% of all traffic stops, far more than moving violations and reckless driving.¹

By making certain non-safety related traffic laws secondary violations as specified in the bill, HB 635 will simultaneously redirect police resources to more pressing public safety concerns, while also improving relationships between police and the community. This important reform will also promote racial equity by addressing a significant source of the pervasive racial disparities in Maryland's criminal justice system.

I. Non-safety related traffic stops have no meaningful positive effect on public safety while perpetuating racial disparities and eroding systemic legitimacy.

A well-established body of research demonstrates that non-safety related stops improve neither road safety nor crime-fighting efforts. Studies demonstrate these stops seldom result in the recovery of illegal firearms, while distracting law enforcement from more targeted and evidence-based policing strategies that address violent crime.

¹ "Race-Based Traffic Stop Data Dashboard," Governor's Office of Crime Prevention and Policy, accessed August 13, 2024. <https://gocpp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/>.

Moreover, 2023 data demonstrates that police stopped Black drivers in Maryland at rates 10 percent higher than white drivers.² Although Black people make up 30% of Maryland’s population, they account for 43% of those stopped, and are far more likely to be searched and/or arrested during these interactions than their white counterparts.³ These realities cause significant stress that is unequally borne by Maryland’s Black drivers.

These dynamics erode trust between police and the communities they serve and the legitimacy of the criminal justice system overall. This is further damaged, often tragically, through preventable instances of use of force and other physically, economically, and psychologically distressing interactions between drivers and police. Given the numerous incidents documented in Baltimore and throughout the country, it is imperative that we act to limit unnecessary interactions with law enforcement, and the harassment and violence it too often leads to with impunity, especially when not captured on film. The distress caused by these types of interactions with police, disproportionately borne by Black Marylanders, has long been a significant impediment to community collaboration and trust.

II. Other jurisdictions across the country have demonstrated this reform can be implemented effectively and to important benefit.

Due to the volume of research demonstrating the problem and pointing to effective solutions, other jurisdictions throughout the country have begun embracing these reforms. For example, Virginia’s Traffic Reform Law, which limits police authority to initiate stops for non-safety-related violations, led to a reduction in racial disparities in traffic enforcement by 19%.⁴ Philadelphia’s Driving Equality Bill, which reclassifies certain non-safety related infractions as secondary offenses and prohibits police from stopping drivers for these violations, led to significant reductions in racial disparities with no negative impacts on traffic safety.⁵

For these reasons, we urge a favorable report on HB 635.

² Maryland Governor’s Office of Crime Prevention and Policy, [Race-Based Traffic Stop Data Dashboard](#), 2023.

³ Governor’s Office of Crime Prevention and Policy, Race-Based Traffic Stop Data Dashboard <https://gocpp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/>

⁴ www.wtkr.com/news/politics/virginia-house-bill-would-reverse-law-limiting-minor-traffic-stops#:~:text=RICHMOND%2C%20Va.,for%20a%20minor%20traffic%20violation.

⁵ <https://www.phila.gov/media/20211109145453/executive-order-2021-06.pdf>.

HB0635_HeidiRhodes_JUFJ_FAV.pdf

Uploaded by: Heidi Rhodes

Position: FAV

Heidi Rhodes
Colesville in MD, 20904
January 28, 2025



THINK JEWISHLY. ACT LOCALLY.

TESTIMONY ON HB635 - POSITION: FAVORABLE

Motor Vehicles – Secondary Enforcement and Admissibility of Evidence

My name is Heidi Rhodes. I live in Colesville and I am a resident of District 14. I am submitting this testimony on behalf of Jews United for Justice (JUFJ) in support of HB 635, Motor Vehicles - Secondary Enforcement and Admissibility of Evidence. JUFJ organizes over **6,000 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice.**

This bill will do two important things: it will limit the current police practices of non-safety-related traffic and other pretextual stops, and it will free limited police resources to focus on safety-related efforts.

Non-safety-related traffic stops disproportionately target and harm Black and brown communities, waste police resources by diverting their attention away from dangerous driving, and do not improve public safety. Rather, they expose police and drivers to violent encounters, and they produce racial disparities in traffic enforcement. In fact, studies show that Black drivers are stopped 20% more often than white drivers when these stops are allowed.

The most recent data about [road fatalities in Maryland](#) show that the persistent causes of dangerous driving were caused by speeding and aggressive driving, drug and alcohol impairment, distracted driving, and the failure to use seat belts. Allowing police to focus on these types of dangerous driving stops, rather than non-safety-related stops, would empower police to focus on implementing evidence-based road safety measures.

Passing this bill will allow Maryland to join jurisdictions around the country that have embraced this common-sense and data-driven approach to improve traffic safety, strengthen public safety and community trust, spare drivers and officers the dangers of unnecessary traffic stops, and reduce racial disparities in traffic enforcement. **On behalf of JUFJ, I respectfully urge the Senate to pass Bill HB 635.**

HB 635 Motor Vehicles--Secondary Enforcement and

Uploaded by: Jo Shifrin

Position: FAV

Jo Shifrin_Bill HB0635_FAV
Hearing Date: February 12, 2025

Jo Shifrin
Bethesda, MD 20817

TESTIMONY IN SUPPORT OF BILL HB 635
Motor Vehicles – Secondary Enforcement and Admissibility of Evidence

TO: Delegate Clippinger, Chair, Delegate Bartlett, Vice Chair, and Members of the Judiciary Committee

FROM: Jo Shifrin

My name is Jo Shifrin. I am a resident of Bethesda. I am submitting this testimony in support of Bill HB 635, Motor Vehicles - Secondary Enforcement and Admissibility of Evidence.

I am a retiree who moved to Bethesda to be near my grandchildren. My faith informs my belief in how society should treat its residents. *Tzedek Tirdof*, to pursue justice, means that I must try to make the world more fair for everyone and help everyone to live a safe and healthy life.

There is ample evidence that police officers, like many members of our society, experience racial bias. As a result, Black and brown residents of our state are disproportionately stopped by police. Often, these are pretextual stops, whereby the police use non-safety related reasons to stop a car in order to conduct a search of the vehicle in the hopes that they will find illegal drugs or weapons. These stops are considered non-safety related because they are based upon expired registrations, partially obscured license plates, littering, window tint, etc. which do not affect the safety of either the passengers of the vehicle or other drivers and passengers on the road. And these stops are not effective.

In 2022, in Montgomery County, Maryland, guns were found in less than one-half of one percent of the 36,000 stops made. In Maryland, stops for equipment and registration related violations make up about 44% of all stops. However, even if the police stop cars to enforce vehicle code violations, they risk causing as much harm as the pretextual stops do. These stops increase the physical and psychological harm to members of the Black community and can contribute to distrust of law enforcement. Moreover, these stops do not increase public safety nor do they effectively fight crime. They also divert police resources from serious safety concerns.

HB 635 will require that police officers document the reason for all stops. If a motorist is driving recklessly or speeding, HB 635 does not prevent the police from stopping a vehicle that is potentially risking the safety of everyone on the road.

Excluding non-safety related stops will achieve a number of important things. It will reduce racial disparities in traffic stops, thus creating a sense of fairness, especially in communities of color. It will promote safety and it will reduce community trauma. It will vastly improve community and policing relations, and it will allow the police departments to deploy their officers more effectively so that they can focus on more serious crimes.

Given the fact that there are so many vacancies on police forces, it seems more prudent to allocate limited police resources to the most serious crimes, including those involving motor vehicles. Rather than spending time stopping cars for a single burned out tail light, a cracked windshield, or a noisy muffler, wouldn't it be better for the police to focus on motorists who are speeding, driving aggressively, are obviously impaired or who are distracted while they drive?

I truly believe that HB 635 will benefit Maryland residents in a variety of ways, not least of which is by increasing traffic safety, public safety, and promoting equity.

I urge the Judiciary Committee to return a favorable report on HB 635.

HB635 - Favorable - SSJC Written Testimony .pdf

Uploaded by: Joanna Silver

Position: FAV



TESTIMONY IN SUPPORT OF SB-292
Senate Judicial Proceedings Committee, January 28, 2025

My name is Joanna Silver. I am a resident of Silver Spring, in District 18. I am testifying on behalf of the Silver Spring Justice Coalition in support of HB635 - Safer Traffic Stops for All.

The Silver Spring Justice Coalition is an organization of community members, faith groups, and civil and human rights organizations from throughout Montgomery County that works to reduce the presence of police in our communities; eliminate violence and harm by police; establish transparency and accountability; and redirect public funds toward community needs. Two years ago, we advocated with our County Council, along with many other members of our local community, in support of a bill called the Safety and Traffic Equity in Policing Act, which was similar in many respects to HB635.

After a successful public hearing in which 40 people submitted testimony in favor of the bill (and only 9 opposed), we were disappointed to learn that state law preempted our County from legislating in this critical area. For this reason, we are grateful to Delegate Phillips for sponsoring HB635, which has the same aim as our local bill: to increase racial equity and public safety by prohibiting police from stopping people for non-safety-related traffic violations.

This Committee will hear data from many others about traffic stops and their impacts on racial equity and public safety state-wide and nationally, so I will focus my testimony on why this bill is so important for my County. Racial disparities in traffic enforcement have been a long-standing problem in Montgomery County. Over 20 years ago, the NAACP filed a complaint with the US Department of Justice alleging that the Montgomery County Police Department (MCPD) engaged in discriminatory traffic enforcement. That complaint led to [a memorandum of agreement](#) that ordered MCPD to collect and report data so that their discriminatory practices could be tracked.

A [report by our Council's Office of Legislative Oversight](#) (OLO), issued at the end of 2022, revealed that disparities in traffic enforcement persist and have even worsened in recent years. From 2018 to 2022, Black and Hispanic drivers were stopped, cited, searched, and arrested at rates far exceeding their representation in our population, while White and Asian drivers were stopped at rates far below their population numbers. While our police department repeatedly blames race-based

disparities in traffic enforcement on interlopers from Washington, D.C. and Prince George's County, this racist trope was disproved by the report's finding that 73% of stops were of County residents, and that race-based disparities were comparable for residents and non-residents.¹

The OLO report also revealed that the greatest race-based disparities in traffic enforcement were seen for non-safety-related traffic violations. Violations under Titles 22 and 13, which are addressed by this bill, represented two of the four worst areas of race-based disparities in traffic enforcement. In fact, the report concluded that equipment violations had a racial disparity score that was 20 points higher than the racial disparity score for moving violations.

These disparities in traffic enforcement come at a high cost. This includes eroding community trust and compounding already existing race-based economic disparities.² Moreover, it is well documented that traffic stops can be dangerous and deadly,³ with officers trained to anticipate danger and act aggressively to protect themselves. This is of particular concern to us because police use force against our BIPOC community members at far higher rates than White people. For example, in 2023, over 80% of use of force incidents in Montgomery County were against Black and Hispanic people.⁴

The risk that force and other harm will be visited upon Black and brown drivers is compounded by the fact that those drivers are far more likely to be detained and searched during a traffic stop. The Office of Legislative Oversight report on traffic stops in Montgomery County revealed that 74% of all searches taking place during a traffic stop were of Black or Hispanic community members.

Significantly, these searches rarely result in finding contraband. While using traffic enforcement to conduct criminal enforcement can occasionally yield results, it is a needle in a haystack approach that is extremely ineffective. In Montgomery County in 2022, 172 guns were seized during 35,000 traffic stops⁵ – in other words, less than ½ of 1% of all traffic stops resulted in gun seizures. In years past, that percentage was even smaller.⁶ Research from jurisdictions around the country reveals similar data, with contraband being seized during a very small percentage of traffic stops. I will not

¹[OLO Memorandum Report 2022-12](#), pp. 11-12.

²The Fines and Fees Justice Center Clearinghouse, <https://finesandfeesjusticecenter.org/>.

³<https://www.nytimes.com/2021/10/31/us/police-traffic-stops-killings.html>.

⁴Montgomery County Police Department [Annual Use of Force Report](#), 2023 at pg. 10.

⁵Briefing to the Transportation/Environment and Public Safety Committees of the Montgomery County Council, February 6, 2023, beginning at approximately minute 1:30:00. https://montgomerycountymd.granicus.com/player/clip/16676?view_id=169&redirect=true&ch=3eb410096b7046c63f6e892648d30832

⁶Policing Advisory Commission, [Findings and Recommendations for Traffic Enforcement](#), December 2021, at pp. 11-12.

repeat that data here as I know that many other national experts will be submitting testimony in which they will share that important information.

Instead, I will close by talking about why this bill is so important to public safety in Montgomery County. In 2023 we lost 45 people to fatal car crashes and there were almost 3900 crashes resulting in injuries.⁷ The leading causes of those 45 fatalities were speeding and driving impaired. For comparison's sake, there were 29 homicides in Montgomery County in 2023, with only 18 committed with a firearm, and 233 non-fatal shootings.⁸ SB292 will ensure that police in my County use their limited time and resources to target drivers engaged in the speeding, impaired, and reckless driving that so greatly increases the risks of traffic fatalities and injuries in our County. While we absolutely want police to address gun violence, and other crime, we want them to do it through careful and effective investigations, not through racially-biased fishing expeditions.

As you will hear from many others, HB635 will make Maryland part of a national movement, led in some jurisdictions by law enforcement itself, that recognizes that equity and safety can go hand in hand. My County was unable to join this movement because its legislators were preempted by state law. Given this, we ask you to use the power that state law delegates to you and respectfully urge you to issue a favorable report on HB635.

⁷Maryland Department of Transportation, [Montgomery County Crash Summary](#), November 26, 2024.


⁸[MCPD Annual Crime Statistics, 2023](#), at p. 23.

◆ silverspringjustice.wordpress.com ◆ Facebook: ssjusticecoalition ◆ Twitter: @SilverCoalition ◆
◆ silverspringjustice@gmail.com ◆

YPP Testimony on HB-635 Position_ Favorable.PDF

Uploaded by: Jordy Diaz

Position: FAV



Email: admin@ypforprogress.org
Website: ypforprogress.org
Socials: [@ypforprogress](https://www.instagram.com/ypforprogress)

Testimony to the House Judiciary Committee
HB-635: Motor Vehicles - Secondary Enforcement and Admissibility of Evidence
Position: Favorable

February 09, 2025

The Honorable Luke Clippinger, Chair
Judiciary Committee
6 Bladen St., Annapolis, Maryland: Room #100, Taylor House Office Building,
Annapolis, Maryland, 21401
cc: Members, Judiciary Committee

Dear Chair Clippinger and Members of the Committee:

My name is Jordy Diaz, and I am an Organizer with Young People for Progress (YPP), a member-based civic and social justice organization of youth and young adults in Montgomery County. We strongly support the introduction of HB-635, Motor Vehicles - Secondary Enforcement and Admissibility of Evidence, which we believe is a necessary step toward creating a more equitable and effective traffic enforcement system.

The HB-635 bill seeks to reclassify certain minor traffic infractions as secondary offenses. This means that police officers cannot stop drivers solely for these infractions, which include issues like driving with expired registration tags or tinted windows. The bill aims to reduce unnecessary traffic stops that disproportionately impact marginalized communities and divert law enforcement resources from more serious safety concerns.

As an organization deeply rooted in the experiences of young people of color, we are all too familiar with the harms caused by minor traffic stops. These encounters often lead to fear, financial hardship, and in some cases, unnecessary escalation. Unfortunately, the data shows that these stops disproportionately target Black and Brown drivers, exacerbating systemic inequities. From 2018 to 2022 in Montgomery County, Black drivers made up 30% of traffic stops and Latinx drivers 21%, despite comprising only 18% and 19% of the county's population, respectively.¹ These disparities heighten the risk of harm, as interactions with police during traffic stops can escalate unnecessarily, placing drivers—especially people of color—in situations of stress, fear, and even violence.

Moreover, these stops are largely ineffective in addressing public safety. Montgomery County data from 2022 shows that firearms were recovered in less than 0.5% of traffic stops.² This demonstrates that focusing on minor infractions, like a broken taillight or expired registration, diverts valuable law enforcement resources from addressing genuinely dangerous violations.

The approach proposed in this bill has been proven to work. For example, Fayetteville, North Carolina, deprioritized minor traffic stops and instead focused on serious safety violations. As a result, they saw a decrease in racial disparities in traffic enforcement without compromising

¹ OLO Memorandum Report 2022-12: Analysis of data Montgomery Traffic Violations Dataset, Montgomery County Council. (2022, October 25). https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLOREport2022-12.pdf

² Discussion: OLO Memorandum Report 2022-21: Analysis of Date Montgomery County Traffic Violations Dataset, Montgomery County Council Transportation & Environment/Public Safety Committees. (2023, February 6). https://www.youtube.com/live/y0d_5_FhGxo

public safety outcomes.³ This shows that we can adopt smarter, fairer traffic enforcement practices that focus on what truly matters: keeping our roads safe.

By reclassifying certain minor infractions as secondary offenses, this bill ensures that drivers are not stopped for issues that pose no immediate safety threat. It also strengthens accountability by requiring officers to document the reasons for each stop and provide identification to drivers, fostering transparency and trust.

Passing this bill is a critical step in addressing the long-standing disparities in our traffic enforcement system. It will help reduce harm to marginalized communities, rebuild trust in law enforcement, and ensure that our state's policies reflect the values of fairness, safety, and equity. Together, we can create a system that works for all Maryland residents.

I respectfully urge the committee to issue a favorable report on HB-635. Thank you for your time and commitment to public safety and equity.

Sincerely,
Jordy Diaz
Organizer, Young People for Progress

³ Fliss, M.D., Baumgartner, F., Delamater, P. et al. (2020). Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities. *Injury Epidemiology*, 7(3). <https://doi.org/10.1186/s40621-019-0227-6>



MD HB0635_Support (Traffic Stops).pdf

Uploaded by: Keisha James

Position: FAV



SUPPORT - HB 0635

Written Testimony of National Lawyers Guild-National Police Accountability Project, Keisha James, Staff Attorney

House Judiciary Committee – Wednesday, February 12, 2025

Dear Chair Clippinger and Members of the Committee,

The National Lawyers Guild National Police Accountability Project (“NPAP”) is a nonprofit organization dedicated to holding law enforcement officers accountable to constitutional and professional standards. We urge you to give a favorable review to HB 0635, which will save lives by eliminating unnecessary encounters between civilians and law enforcement officers that too often result in violence. HB 0635 seeks to prohibit drivers from being stopped solely for a secondary violation (e.g., an item hanging on a rearview mirror) that do not pose a public safety risk. HB 0635 will also reduce racial disparities in policing by removing the incentive for law enforcement officers to engage in pretextual stops, which disproportionately target Black drivers.

The traffic stop is the single most common reason for contact between police officers and civilians in the United States.¹ This is so because in most jurisdictions, including within Maryland, law enforcement officers have the authority to stop motorists for a vast range of reasons, including very minor traffic violations that do not jeopardize public safety, such as a single broken headlight or taillight.

Traffic stops for minor violations unnecessarily expose civilians to law enforcement contact and, consequently, use of force. Many law enforcement encounters with civilians that have resulted in the death of the civilian began as traffic stops for low-level violations. For example, in 2016, Philando Castile was shot and killed by a St. Anthony, Minnesota police officer during a traffic stop for a broken tail light.² In 2022, Daunte Wright was shot and killed by a Brooklyn Center, Minnesota police officer who pulled Wright over for driving

¹ Bureau of Justice Statistics, Traffic Stops, <https://bjs.ojp.gov/taxonomy/term/traffic-stops>; Susannah N. Tapp and Elizabeth Davis, Contacts Between Police and the Public, 2022, Bureau Just. Stat., available at: <https://bjs.ojp.gov/library/publications/contacts-between-police-and-public-2022>.

² Reg Chapman, *Eight years later, Philando Castile's legacy lives on*, CBS News (July 6, 2024), available at: <https://www.cbsnews.com/minnesota/news/eight-years-later-philando-castiles-legacy-lives-on/>.



with an air freshener hanging from his rearview mirror and expired registration tags.³ In January 2023, Tyre Nichols was beaten to death by police officers in Memphis, Tennessee who claimed Nichols was driving recklessly—a claim that has since been refuted by video evidence of the encounter.⁴

Even when traffic stops do not end in civilian fatalities, they can still leave motorists traumatized and feeling degraded.⁵ They also expose drivers to greater scrutiny from law enforcement, as many traffic stops evolve into continued police questioning, vehicle searches, and even arrests.

The brunt of these harms is borne by Black drivers. Data show that officers, employing their broad discretion to initiate traffic stops, disproportionately stop Black drivers.⁶ Federal law authorizes officers to engage in this racial profiling with impunity. According to precedent from the U.S. Supreme Court, an officer’s particular motivation for pulling a driver over—even if it is racial or personal animus towards the driver—does not affect the legality of the traffic stop, so long as the driver committed some traffic violation, however insignificant.⁷

³ The New York Times, *What to Know About the Death of Daunte Wright*, The New York Times (Feb. 21, 2022), available at: <https://www.nytimes.com/article/daunte-wright-death-minnesota.html>.

⁴ Bevan Hurley, *Memphis police chief says there’s ‘no proof’ Tyre Nichols should have been stopped for reckless driving*, The Independent (Jan. 27, 2023), available at: <https://www.independent.co.uk/news/world/americas/crime/tyre-nichols-memphis-police-reckless-driving-b2270667.html>.

⁵ See Frank R. Baumgartner, *et al.*, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race* 13 (2018) (explaining that targeted traffic stops can be “humiliating, frustrating, and unfair”); Sam McCann, *Low-Level Traffic Stops Are Ineffective—and Sometimes Deadly. Why Are They Still Happening?*, Vera Institute (Mar. 29, 2023), available at: <https://www.vera.org/news/low-level-traffic-stops-are-ineffective-and-sometimes-deadly-why-are-they-still-happening> (“Repeated stops also place Black drivers in situations in which they are at risk of physical, economic, or psychological harm.”).

⁶ See, e.g., David A. Harris, *Driving While Black: Racial Profiling On Our Nation’s Highways*, ACLU (Jun. 7, 1999), available at: <https://www.aclu.org/publications/driving-while-black-racial-profiling-our-nations-highways>; Jordan Blair Woods, *Traffic Without the Police*, 73 Stan. L. Rev. 1471, 1475 (2021) (“Several studies show that Black and Latinx motorists in particular are disproportionately stopped by police for traffic violations and disproportionately questioned, frisked, searched, cited, and arrested during traffic stops.”).

⁷ See *Whren v. United States*, 517 U.S. 806, 814 (1996) (“[T]he Fourth Amendment’s concern with ‘reasonableness’ allows certain actions to be taken in certain circumstances, whatever the subjective intent.”) (emphasis in original); *Maryland v. Wilson*, 519 U.S. 408, 423 (1997) (Kennedy, J. dissenting) (The Court’s holding in *Whren* “permit[s] vehicle stops if there is some objective indication that a violation has been committed regardless of the officer’s real motives;” its “practical effect . . . is to allow the police to stop vehicles in almost countless circumstances.”).



HB 0635 would protect drivers by eliminating these unnecessary traffic stops. The bill makes offenses like a non-functioning light, a damaged mirror, driving momentarily in a bus-only lane, excessive noise, failure to signal, and littering secondary violations. These minor traffic infractions pose no risk to public safety, but the law enforcement response to these violations does. Limiting police contact with civilians to circumstances where a driver has truly jeopardized public safety reduces the risk of harm to civilians. Additionally, by limiting opportunities for police to stop drivers—and by requiring officers to record their reasons for conducting the stops—HB 0635 would help reduce racial disparities in traffic stops. Further, prosecutors will no longer be able to rely on evidence obtained during stops where the justification is only a secondary violation.

In passing HB 0635, Maryland would not be the first jurisdiction to reimagine traffic safety. In 2020, Virginia passed a law prohibiting police officers in the state from stopping drivers for minor infractions such as tinted windows, expired registration stickers, and broken taillights.⁸ Philadelphia's Driving Equality Law, which went into effect on March 3, 2022, prohibits police from initiating traffic stops for secondary traffic violations, including expired vehicle registration and a single dysfunctional brake light.⁹ Other local governments have considered implementing, or have already implemented, similar laws.¹⁰

Maryland can and should join the ranks of these jurisdictions reimaging traffic safety. We urge you to prioritize the safety of Maryland drivers and give HB 0635 a favorable review. I am happy to answer any questions you may have. You can contact me at keisha.npap@nlg.org.

Sincerely,

Keisha James
National Police Accountability Project

⁸ Virginia, HB 5058 and SB 5029 (2022).

⁹ Philadelphia, Penn. Bill No. 210636-A (2021).

¹⁰ David K. Kirkpatrick, Steve Eder, and Kim Barker, *Cities Try to Turn the Tide on Police Traffic Stops*, The New York Times (Apr. 15, 2022), available at: <https://www.nytimes.com/2022/04/15/us/police-traffic-stops.html>.

Safer Traffic Stops for All Testimony.pdf

Uploaded by: Michael DeLong

Position: FAV



Testimony of Montgomery County Young Democrats Before House Judiciary Committee in Support of HB 0635–Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

February 12, 2025

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

The Montgomery County Young Democrats (MCYD) urge your support for [HB 0635](#), Motor Vehicles - Secondary Enforcement and Admissibility of Evidence. This bill will designate various low-level traffic infractions as “secondary”, prohibiting officers from stopping drivers for infractions that do not pose a threat to driver safety. It will also require a police officer to document all reasons for the traffic stop on any citation or police report resulting from the traffic stop.

We are deeply concerned about the prevalence of systemic racism in traffic enforcement. In 2021, Montgomery County’s Office of Legislative Oversight issued [a report on traffic enforcement and police interactions in Montgomery County](#). The report found “substantial disparities in police interactions by race and ethnicity” and “that Black and Latino drivers are stopped and searched during traffic violations at disproportionately higher rates than white drivers.” As a result, Black and Latino drivers are more likely to become trapped in the criminal justice system, to be incarcerated, or to be victims of police brutality. In many cases police officers stop drivers even if they are doing nothing wrong—and in some cases, these stops can go horribly wrong and leave someone dead.

The consequences of not taking action on this issue are severe. Non-safety-related traffic stops increase the risk of [physical](#), [psychological](#), and [economic harm](#), especially in Black communities. In addition to the [social costs inherent in any interaction with the police](#), the frequency of these stops and their disparate impact on communities of color

also [increase distrust in government institutions such as police](#) and prosecutor offices, which depend on the public's cooperation.

Furthermore, one of the common arguments against this bill is that these searches help police curb crime and get guns off the streets. However, data from the Montgomery County Police Department shows that [1 out of every 205 stops](#) yields contraband, weapons, or drugs, which is less than .05 percent. By limiting non-safety-related traffic stops, we could improve road safety and public safety by preserving resources (time and money) and redirecting enforcement toward stopping dangerous driving and solving serious crime.

In conclusion, we strongly support HB 0635, Motor Vehicles - Secondary Enforcement and Admissibility of Evidence. We thank the sponsors, Delegate N. Scott Phillips and Senator Charles Sydnor, for listening to the community's concerns and bringing this much needed bill forward. We also thank Attorney General Anthony Brown for weighing in and offering his support for the bill "in concept". We urge you to vote in favor of HB 0635 that will help us build safer streets for all.

Please contact us at mocoyoungdems@gmail.com with any questions. Thank you for your consideration.

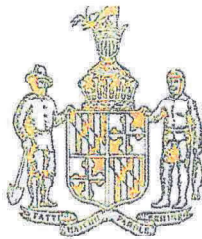
Sincerely,

The Montgomery County Young Democrats

HB 635 Safer Stops Testimony and Supporting Docume

Uploaded by: N. Scott Phillips

Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Chairman Klippinger, Vice Chair Bartlett, and Members of the Committee,

I am Delegate N. Scott Phillips from the 10th Legislative District, and I am honored to appear before you today to request a favorable report on HB0635, the Secondary Enforcement and Admissibility of Evidence, also known as the Safer Stops bill.

This bill seeks to reclassify certain non-dangerous, mostly administrative vehicle violations, such as expired registration, as secondary offenses. At its core, HB0635 is about fairness, safety, and common sense. It represents a critical step toward reducing racial disparities in traffic enforcement, enhancing public safety, and strengthening the trust between law enforcement and the communities they serve.

Our proposal is not based on theory alone—it is informed by data, research, and successful legislative models from across the country. In Virginia, legislation enacted in 2020 reclassified specific minor traffic infractions—such as equipment violations and issues like tinted windows—as secondary offenses. This reform has led to a reduction in unnecessary traffic stops without compromising road safety, allowing law enforcement to focus on genuine public safety threats.

Similarly, Philadelphia's "Driving Equality" bill has demonstrated the positive impact of reclassifying minor traffic violations as secondary offenses. This policy change has significantly reduced unnecessary police stops while maintaining public safety and building trust between law enforcement and communities, particularly communities of color disproportionately affected by pretextual stops.

The VERA Institute's research reinforces these findings, showing that traffic enforcement can be both safer and more effective when focused on behaviors that genuinely threaten public safety. Their data highlights the limited safety benefits of stops for minor infractions and the potential for these encounters to escalate unnecessarily, often with tragic consequences.

Here in Maryland, the current policy allows infractions like expired registration or broken taillights to be considered primary offenses, giving law enforcement broad discretion to stop vehicles for these minor issues. This discretion has disproportionately impacted communities of color. In 2023 alone, Baltimore County Police conducted 17,505 traffic stops for expired or missing registration, with 66% involving Black drivers, despite Black residents comprising just 31% of the population according to the last census. This stark disparity demands our attention and action.

Today, you will hear from both supporters and opponents of this legislation. Supporters are deeply concerned about the significant racial disparities that persist in traffic stops. Opponents may argue that such stops can lead to the discovery of other legal infractions, such as guns and drugs. While I understand law enforcement's perspective, I ask you to consider this: Should we accept 397,178 non-moving violation stops in Maryland, with a disproportionate impact on people of color, when less than 1% of these stops result in an arrest?

Attached to this testimony, you will find a FAQ from the VERA Institute and data from the Maryland Race-Based Traffic Stop Dashboard to provide further context.

HB0635 builds on the progress made with HB1071, which limited the use of the "smell of cannabis" as probable cause for searches. By reducing unnecessary stops for administrative violations, we not only address racial disparities but also enhance officer safety. Traffic incidents remain one of the leading causes of injury and death among officers. Focusing law enforcement efforts on serious threats reduces these risks and helps protect those who protect us.

As we prepared for this hearing, I also want my colleagues to know we have been listening to some of the criticism this legislation has garnered. As a result we are proposing a number of amendments. These amendments include:

- a) Removing administrative discipline language from any new secondary enforcement provisions
- b) Keeping the discarding of debris as a primary

- enforcement provision
- c) Making enforcement of non-working headlights and tail lights contingent upon both a left side and right side headlight or tail light outage (both lights must be out) and only enforceable at night or under weather conditions were lights would be required.
 - d) Registration infractions will be a secondary infraction with the exception of a vehicle that is has no registration
 - e) Add a study to review alternative means to enforce non-safety related stops using LPR and digital ticketing enforcement using technology with a focus on registration related
 - f) Remove turn signal violations as a secondary stop

I urge you to give HB0635 a favorable report. This legislation is a vital step toward creating a more equitable, effective, and safer system of traffic enforcement in Maryland. Thank you for your time and consideration.

Respectfully submitted,

N. Scott Phillips

Total Agencies 137	Total Stops 5,341,366	Total Searches 173,352	Total Arrests 58,544	% White 42.7%	% Black 41.6%	% Male 63.9%	Average Age 39
-----------------------	--------------------------	---------------------------	-------------------------	------------------	------------------	-----------------	-------------------

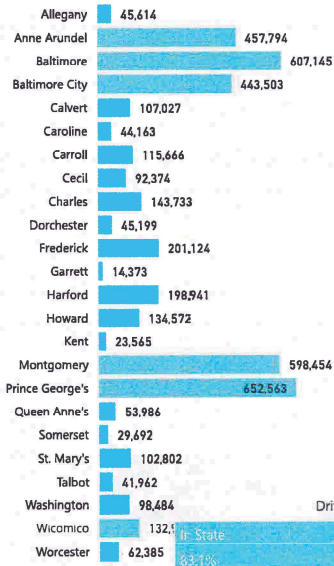
Agency Traffic Stop Breakdown

Agency	Total Stops	Searches	Arrests	Search Percent	Arrest Percent
Aberdeen Police Department	13,347	571	184	4.28%	1.38%
Allegany County Sheriff's Office	7,213	365	99	5.06%	1.37%
Annapolis Police Department	17,514	880	594	5.02%	3.39%
Anne Arundel Community College Public Safety Police	1,472	43	0	2.92%	0.00%
Anne Arundel County Police	375,609	15,042	4,329	4.00%	1.15%
Anne Arundel County Sheriff's Office	108	3	2	2.78%	1.85%
Baltimore City School Police	73	0	0	0.00%	0.00%
Baltimore County Police Department	437,902	15,973	6,218	3.65%	1.42%
Baltimore Environmental Police	1,411	16	12	1.13%	0.85%
Baltimore Police Department	364,185	2,635	1,044	0.72%	0.29%
Baltimore Sheriff's Office	833	2	1	0.24%	0.12%
Bel Air Police Department	10,497	118	54	1.12%	0.51%
Berlin Police Department	3,134	71	32	2.27%	1.02%
Berwyn Heights Police Department	1,133	12	3	1.06%	0.26%
Bladenburg Police Department	0,391	464	211	5.33%	2.51%
Total	5,341,366	173,352	58,544	3.25%	1.10%

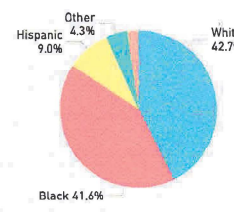
Stop Reason Statistics

Stop Reason	Total Stops	Percent of Traffic Stops	Search Percent	Arrest Percent
13 (Registration)	815,187	15.28%	3.79%	0.95%
16 (License Violations)	94,153	1.76%	8.86%	3.88%
21.11 (Misc. Rules)	400,729	7.50%	1.56%	0.44%
21.13 (Registration)	3,636	0.07%	2.12%	1.43%
21.14 (Toll Violations)	9,894	0.19%	2.27%	0.63%
21.2 (Signs, Signals, and Markings)	550,289	10.30%	2.53%	1.00%
21.3 (Right side of road, Passing)	258,919	4.85%	4.77%	2.11%
21.4 (Right of Way)	120,646	2.26%	2.26%	0.85%
21.5 (Pedestrian Rules and Rights)	17,812	0.33%	1.65%	0.96%
21.6 (Turning, Signals, and Stopping)	41,520	0.78%	7.13%	2.37%
21.7 (Special Stops)	251,400	4.71%	2.37%	0.78%
21.8 (Moving Violations)	585,737	10.97%	3.91%	1.17%
21.9 (Reckless Driving or Fleeing)	56,869	1.06%	16.66%	13.35%
22 (Equipment)	1,094,074	20.48%	3.31%	0.85%
99 (All other stops)	1,040,501	19.48%	1.99%	0.61%
Total	5,341,366	100.00%	3.25%	1.10%

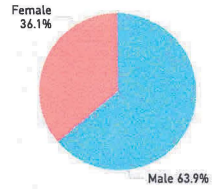
Driver County of Residence



Race/Ethnicity of Driver



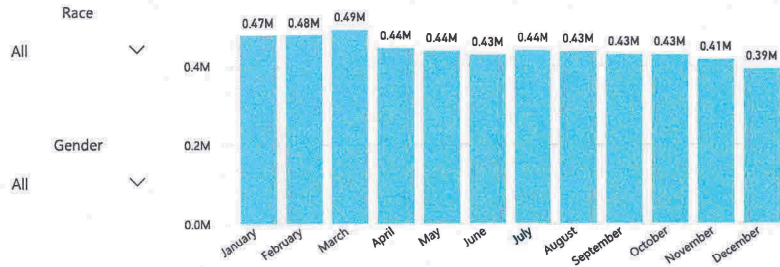
Gender of Driver



Driver Vehicle Registration

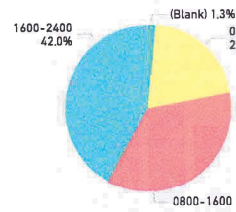


Number of Stops by Month

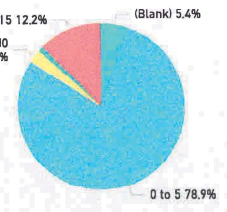


- Race: All
- Gender: All
- Search Conducted: All
- Stop Outcome: All

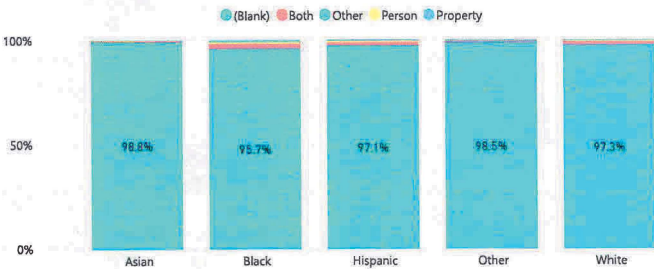
Time of Stop



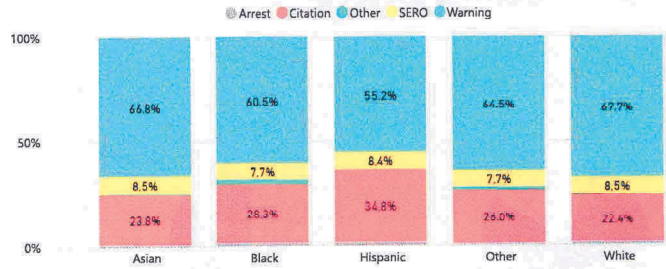
Length of Stop (minutes)



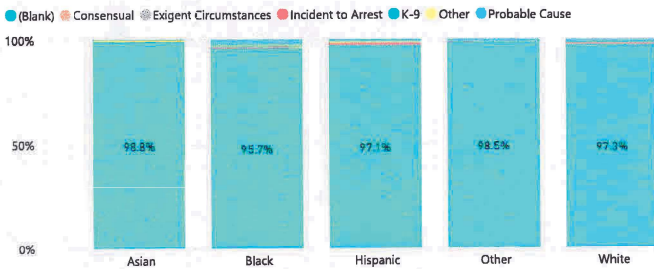
Type of Search Conducted by Race/Ethnicity



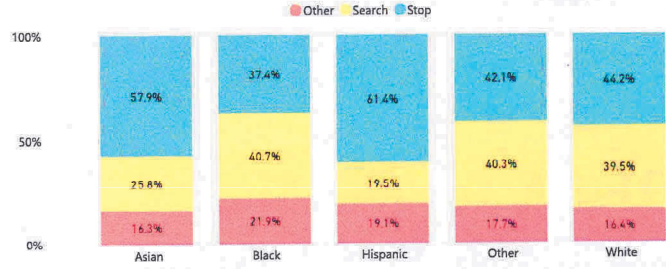
Traffic Stop Outcome by Race/Ethnicity



Search Reason by Race/Ethnicity



Arrest Reason by Race/Ethnicity



Testimony in Support of HB 635.pdf

Uploaded by: Robert Stubblefield

Position: FAV

Testimony in Support of HB 635: Motor Vehicles-Secondary Enforcement and Admissibility of Evidence

To The House Judiciary Committee

Greetings

My name is Robert Stubblefield and I am a lifelong resident of Maryland, specifically Montgomery County. I am also a lay minister and activist-organizer with groups such as DSA, the Bethesda African Cemetery Coalition, YPP and now the Black United Front of Montgomery County to write in support of the HB 635: Motor Vehicles-Secondary Enforcement and Admissibility of Evidence which would prohibit police from pulling people over for minor, non safety related reasons.

I support this bill because often times minor traffic stops have been used as an unjustifiable pretext to search for drugs. Often times it is used to target Black, Indigenous and Hispanic populations which not only makes it harder to own and operate a vehicle, but it also serves to increase police presence and encounters between black and brown communities. For instance, per current police data police are more likely to stop black and brown drivers 5-10% higher during the day instead of the night because the night time makes it harder to identify one's race and ethnicity. Some people, from Councilmembers to the masses have had numerous experiences of being racially profiled during a minor traffic violation with the only saving grace that it didn't escalate into a violent encounter. This also ties into the data that shows during this traffic stops police are more likely to use force when the driver is black or brown. Not only does this cause a nuisance but it doesn't improve public safety at all.

To be clear, while this act is necessary in the short term, it does not address the long standing issue of policing in the state of Maryland. 2023 and 2024 showed that nationwide were the most deadliest years for Black, Indigenous and Latine People in terms of police violence and Maryland was no exception. We are trying to reckon with our own ugly history of police terrorism here. We must ultimately break down the notion that police abolition is too radical especially in these times. We must accept the fact that police abolition already exists in parts of Maryland, all those of us at the Groundroots are asking for is that police abolition be applied equally and equitably.

Maryland HB 635 House Judiciary Committee Testimon

Uploaded by: Scarlet Neath

Position: FAV



NYU School of Law
40 Washington Square South
New York, NY 10012

E: legislation@policingproject.org
P: 212.992.6950
W: policingproject.org

February 12, 2025

**TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW
TO THE HOUSE OF DELEGATES JUDICIARY COMMITTEE OF THE STATE OF
MARYLAND
IN SUPPORT OF H.B. 635**

Dear Chair Clippinger, Vice Chair Bartlett, and Committee Members:

The Policing Project is an organization dedicated to ensuring democratic accountability in policing by giving communities and their elected representatives a voice in how law enforcement agencies operate. We believe that by democratically setting expectations *before* police act, instead of *after* something has gone wrong, we can achieve meaningful public safety for all people. We have advised police departments and elected officials in more than a dozen jurisdictions to create and adopt such policies in the traffic enforcement context. We have also conducted research on the public safety impacts of reducing low-risk traffic stops and drafted model state-level legislation to reduce pretextual traffic stops.

H.B. 635 is a common-sense measure that limits police enforcement of a series of non-safety violations, such as expired registrations, inspection or emission stickers, items hanging from the rearview mirror, or a missing headlight or taillight. At least 12 state or local governments have passed measures to limit similar non-safety stops, including Virginia and Oregon. We urge this Committee to support this important measure, which will make Maryland's roads safer and more just.

Data from Maryland confirms what has been shown across the country: traffic stops are frequently made for low-level violations unrelated to road safety. These non-safety stops are often initiated because of goals unrelated to road safety: either as a pretext to conduct a search to find crime, or to increase the local government's revenue by writing more total citations. But neither of these reasons contribute to effective policing. Evidence is clear that randomly stumbling upon serious crime during a traffic stop is a rarity. And relying upon quantity of traffic tickets in order to reward performance or generate revenue, no matter their relevance to crash outcomes, incentivizes policing for profit rather than safety.

Non-safety stops do little to make roadways safer, use limited police resources inefficiently, fuel racial discrimination, and undermine public safety. In [2023](#), about 44% of traffic stops in Maryland were made for reasons related to equipment, license, or registration violations, while just 13% were made for moving violations or reckless driving. But Maryland's Highway Safety Office [reports](#) that speed, aggressive driving, distracted driving, and impaired driving are the major contributors to crashes and fatalities – not dark window tint or broken windshield wipers. By spending so much of their limited time on minor, non-safety violations, Maryland officers are missing the opportunity to stop truly dangerous behaviors

on the road.

Traffic policing that relies on low-level stops is inefficient in other ways, as well. Traffic stops for non-safety offenses are less likely to result in an arrest made than stops related to the leading causes of crashes: speeding and dangerous driving. In addition, the pretextual motivations for many of these stops lead to inefficiency. Unsurprisingly, when police search for crimes based on a specific reason, rather than an unfounded or biased hunch, they are [more successful](#) in that endeavor.

Focusing traffic enforcement on non-safety stops also results in disproportionately policing drivers of color. Stops for non-safety equipment and paperwork reasons in Maryland, as well as throughout the country, have greater racial disparities. Coupled with the fact that non-safety stops are [more likely](#) to end in police use of force than safety stops, this signals an urgent need for change. Indeed, a recent [report](#) found that racial disparities in Montgomery County Police Department traffic stops have persisted or worsened between 2018 and 2022.

Low-level traffic stops don't move the needle on roadway safety, and they don't move the needle on broader public safety, either. The Policing Project [studied](#) traffic stops in Nashville, Tennessee where just 0.7% of stops resulted in an arrest for something that might have an impact on future crime. The Nashville Police Department reduced its traffic stops for non-moving violations significantly, with crime rates remaining unchanged. In addition, people who have recently been stopped are significantly [less likely](#) to report neighborhood problems to law enforcement.

Other jurisdictions—such as [Fayetteville, North Carolina](#), [St. Paul, Minnesota](#), [Philadelphia](#), [Los Angeles](#), [Seattle](#), and several [Connecticut cities](#)—have shown that limiting traffic stops for non-safety offenses is associated with reduced racial disparities in police contact, increased arrests for moving violations, fewer serious crashes, and either unchanged or reduced crime rates.

By creating clear guidelines on how and when officers may conduct traffic stops, H.B. 635 makes significant strides towards more effective and equitable policing. We thank the Committee and the Chair for their consideration of this important piece of legislation.

2025-HB 635-Secondary Enforcement-FAV.pdf

Uploaded by: Seth Grimes

Position: FAV

HB 635 – FAVORABLE
Motor Vehicles - Secondary Enforcement and Admissibility of Evidence
House Judiciary Committee

February 12, 2025

Chair Clippinger and Committee Members,

I support HB 635, which would, among its provisions, authorize a police officer to enforce certain provisions of the Maryland Vehicle Law only as a secondary action and require an officer document all reasons for a traffic or other stop. The provisions that would be secondary include certain registration violations, vehicle-operation infractions and equipment and noise violations that do not immediately threaten public safety.

This change will allow officers to focus on infractions and violations that, unlike the proposed secondary-action provisions, immediately threaten public safety. And HB 635 will redress enforcement disparities, the demonstrated over-enforcement directed at Black and Brown drivers.

Before addressing the second point, let's stress that the infractions that would be designed secondary – registration and minor operating and equipment violations – do not immediately threaten public safety.

We envision a just transportation system, however police traffic enforcement is manifestly unequal and therefore unjust. For instance, Montgomery County County's Office of Legislative Oversight (OLO) has found severe racial disparities in police traffic enforcement. The October 2022 OLO Memorandum Report 2022-12¹ notably states,

"Black drivers accounted for a higher percentage of traffic stops (30%) than the percentage of the adult population that is Black (18%)."

The OLO further reports,

"Data show that Black drivers accounted for 43% of searches and 38% of arrests during traffic stops, while Black adults account for 18% of the County's adult population. Similarly, Latinx drivers accounted for 31% of searches and 35% of arrests, while Latinx adults accounted for 19% of the County's adult population."

Traffic stops can be dangerous and deadly, with officers trained to anticipate danger and act accordingly. In Montgomery County, police use force against Black and brown people at far higher rates than white people – 80% of all use-of-force incidents in 2022 – likely placing the individuals mostly likely to be stopped at even greater risk of harm. Additionally, fines and penalties disproportionately affect and punish individuals who are struggling financially.

¹ https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf

The disparities experienced in Montgomery County extend statewide and persist throughout Maryland.

Further, I believe that rather than stopping drivers for non-safety related violations, the State should focus on effective and equitable steps to boost safety including redesigning roadways and accelerating adoption of automated enforcement.

I ask a favorable reading for HB 635 and thank you for the opportunity to testify.

Seth Grimes

7300 Willow Avenue
Takoma Park, MD 20912

HB635 STSFA - JUD - 2.12.25 - MOPD written FAV.pdf

Uploaded by: Tia Holmes

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 635 - Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 12, 2025 (Judiciary)

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report on House Bill 635. House Bill 635 would permit police officers to enforce certain low-level traffic offenses only as secondary offenses when they pull a driver over for a more serious, primary traffic offense. The bill would also make evidence inadmissible in any trial or other proceeding, if an officer pulls over a driver for a low-level secondary traffic offense and obtains evidence during that traffic stop.

House Bill 635 reclassifies certain low-level traffic offenses to permit police officers to focus on enforcing more serious traffic offenses and investigating criminal activity more efficiently. It does not create a new method of enforcing Maryland's traffic laws nor does it prevent enforcement. Currently, Maryland Vehicle Law limits a police officer's ability to make certain traffic stops by categorizing traffic offenses as either "primary" or "secondary." If an officer observes a primary traffic offense, the officer may stop and cite the driver for that traffic violation. In contrast, an officer may not stop a driver if they observe a secondary traffic offense. Instead, the officer may issue a citation for the secondary offense only after stopping the driver for committing a primary offense. The following list of secondary traffic offenses already exist in Maryland Vehicle Law:

- § 13-411(c)(1)(i) (driving with an object framing or bordering the edges of a registration plate that partially obscures the license plate);
- § 21-1104(c)(3) (driving "with any object, material, or obstruction hanging from the rearview mirror that interferes with the clear view of the driver through the windshield");

- § 21-1123(a)(2) (a holder of a provisional driver's license who is under the age of 18 years driving a motor vehicle with a passenger under the age of 18 years);
- § 22-201.2 (driving a motor vehicle without lighted headlamps while operating the vehicle's windshield wipers for a "continuous period of time because of impaired visibility resulting from unfavorable atmospheric conditions"); and
- § 22-412.3(c)(3) (passenger aged 16 or older in rear seat of motor vehicle without seatbelt).

House Bill 635 seeks to add the following traffic offenses to the existing list of secondary traffic offenses:¹

- driving with expired registration tags for up to 90 days;²
- failing to display two registration plates or obstructing a vehicle registration plate in any manner;³
- displaying improper registration plate;⁴
- driving without a functioning headlight, brake light, or taillight;⁵
- driving without a mirror, or with an obstructed or damaged mirror;⁶
- window tinting;⁷
- failing to illuminate a license plate;⁸
- driving in a dedicated bus-only lane;⁹
- excessive noise;¹⁰

¹ MOPD understands that there are additional amendments being introduced by the sponsor, which we anticipate to align with the intentions of this bill.

² See §§ 13-701(a)-(b), 13-411(d)-(f). The bill adds a three-month grace period to §13-411 for expired registration. Please note that the original draft of House Bill 635 included unregistered vehicles but we have introduced an amendment to clarify that only those with expired registration should be subject to secondary violations.

³ See § 13-411(a).

⁴ See § 13-703(g).

⁵ See §§ 22-101, 22-203, 22-204, 22-206. Please note that the original draft of House Bill 635 incorrectly included vehicles with no functioning headlights, brake lights, or tail lights, we have crafted an amendment to clarify this.

⁶ See §§ 22-101, 22-403, 22-406.

⁷ See § 22-406(i).

⁸ See § 22-204(f).

⁹ See § 21-1133.

¹⁰ See §§ 21-1117, 22-602

- failing to signal a turn, lane change, stop, or start (due to nonfunctional equipment or otherwise),¹¹ and
- littering on a roadway.¹²

House Bill 635 will NOT limit the voluminous other traffic laws and criminal laws that may be enforced as primary offenses. For example, the following laws will continue to be enforceable as primary stops and address the potential safety-components of the above listed rules.

- Negligent driving defined in Trans. Art. § 21-901.1(b), which permits enforcement for any *negligent driving* meaning an individual *is driving a motor vehicle in a **careless or imprudent manner** that endangers any property or the life or person of any individual.*
- Disturbing the peace, loud noise, or disorderly conduct defined in Crim. Law § 10-201(c)(5) and provides that “[a] person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another: (i) on the other’s land or premises; (ii) in a public place; or (iii) on a public conveyance.” And, a public place specifically includes a “public parking lot, a public street, sidewalk, or right-of-way.”
- Littering in public places. Crim. Law § 10-110 provides that “[a] person may not: dispose or cause or allow the disposal of litter on public or private property, which includes the right-of-way of a road or highway”, and “litter” means “all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.”

Further, attached with this testimony is the Vehicle in Motion Checklist issued by the National Highway Traffic Safety Administration (NHTSA). Anything on the attached list that constitutes a moving violation will continue to be a “clue” for DUI/DWI cases regardless of its categorization as a secondary violation.

The reason that MOPD highlights the laws that are not impacted by House Bill 635 is to reinforce the true purpose of the bill: to reduce non-safety-related traffic stops. By limiting these traffic stops, House Bill 635 addresses a problem that has needed a solution for at least the past three decades. History has shown us that when it comes to traffic enforcement, Maryland, like many other states, has a problem. For example, Maryland’s history reveals a pattern and practice of

¹¹ See §§ 21-604, 21-605.

¹² See § 21-1111. This is distinct from Maryland Criminal Law violations addressing similar conduct.

discrimination in traffic enforcement along Interstate 95,¹³ which spurred a class-action lawsuit against the Maryland State Police, and a three-year Department of Justice investigation of the Montgomery County Police Department due to an NAACP complaint alleging racial profiling in traffic stops.¹⁴

In response to these controversies, in 2001, this Legislature required the State's law enforcement agencies to adopt a policy against race-based traffic stops as a management tool to promote nondiscriminatory law enforcement practices. That law also requires law enforcement agencies to compile data collected by each officer following each traffic stop and report the data to the Maryland Statistical Analysis Center (MSAC) annually. In turn, the MSAC must make those statistics available to the public. That statistical data tells us that Black drivers continue to be stopped more often and are four times more likely to be subjected to a warrantless vehicle search than drivers classified as white.¹⁵

This is not new. Since the early 1980s, traffic enforcement has been engrained in the so-called War on Drugs as a drug interdiction tactic. This practice began as part of the Drug Enforcement Administration's "Operation Pipeline" program. Operation Pipeline was established as a highway drug interdiction program that focuses on private vehicles traveling on highways and interstates that are believed to be commonly used to transport drugs.¹⁶ The program taught state and local officers how to use minor traffic infractions as a reason to stop drivers, how to lengthen traffic stops and leverage them into searches for drugs, how to obtain consent to search, and how to use drug-sniffing dogs to generate probable cause.¹⁷ By 2000, the DEA had trained more than 25,000 officers in forty-eight states on those tactics.¹⁸

¹³ ACLU.org, Court Cases: "Driving While Black" in Maryland, www.aclu.org/cases/driving-while-black-maryland <https://clearinghouse.net/case/5538/> (Updated Feb. 2, 2010).

¹⁴ Civil Rights Litigation Clearinghouse, Case: DOJ Investigation of the Montgomery County Department of Police, clearinghouse.net/case/5538/ (Updated Aug. 30, 2023).

¹⁵ See Dept. of Leg. Svcs., Racial Equity Impact Note, Senate Bill 396 (2024), mgaleg.maryland.gov/Pubs/BudgetFiscal/2024RS-SB0396-REIN.pdf; see also Maryland Governor's Office of Crime Prevention and Policy, Race-Based Traffic Stop Data Dashboard, goccp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/.

¹⁶ See DEA, *History: 1980-1985* at 54, https://www.dea.gov/sites/default/files/2021-04/1980-1985_p_49-58.pdf.

¹⁷ Michelle Alexander, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 89-90 (2012) [hereinafter "Jim Crow"].

¹⁸ *Id.*

“The program’s efficacy requires stopping “staggering” numbers of people, particularly [B]lacks and Hispanics, in shotgun fashion. A huge number of innocent people fitting the profile must be stopped and searched for every cache of drugs or money that is discovered.”¹⁹ In Charles Remsberg’s book, *TACTICS FOR CRIMINAL PATROL: VEHICLE STOPS, DRUG DISCOVERY & OFFICER SURVIVAL*—a leading authority on policing—he recommends that officers “seek [] to maximize the number of citizen contacts in vehicle stops during each shift and, through specific investigative tactics, to explore the full arrest potential of each.”²⁰ Another police training book suggests that certain drivers should be stopped, while others are ignored to increase the odds of discovering a crime.²¹

To be sure, traffic stops are one of the most common ways that people interact with police officers. It also has become commonly known that traffic stops are one of the most dangerous encounters that police officers have with the public, and far too often unnecessary stops become fatal. The low-level traffic stops that led to the deaths of Philando Castile (broken taillight), Sandra Bland (failure to use a turn signal), and Walter Scott (faulty brake light) taught us that. Demonte Ward-Blake’s brutal police encounter after being stopped for driving with expired tags in Prince George’s County brought the issue home. Given these facts and circumstances, this Legislature must provide solutions that will minimize the risks posed by these traffic encounters. House Bill 635 seeks to accomplish this.

There are hundreds of traffic offenses that a Maryland police officer may enforce. And it is a common refrain that, if an officer follows a vehicle long enough, they will inevitably observe that vehicles commit one of the many traffic offenses that are available to choose from. But Maryland data demonstrates that the two most common reasons for all traffic stops in Maryland are

¹⁹ Ricardo J. Bascuas, *Fourth Amendment Lessons from the Highway and the Subway: A Principled Approach to Suspicionless Searches*, 38 Rutgers L.J. 719, 763 (2007) [hereinafter “Lessons from the Highway”]; see also Alexander, Jim Crow at 90 (“This ‘volume’ approach to drug enforcement sweeps up extraordinary numbers of innocent people. As one California Highway Patrol Officer said, ‘It’s sheer numbers.... You’ve got to kiss a lot of frogs before you find a prince.’”).

²⁰ Charles R. Epp, Steven Maynard-Moody, & Donald P. Haider-Markel, *PULLED OVER: HOW POLICE STOPS DEFINE RACE AND CITIZENSHIP* 36 (2014).

²¹ Steven Varnell, *CRIMINAL INTERDICTION* 42 (2013).

registration- and equipment-related, comprising 23.47 percent and 20.3 percent respectively.²² **Traffic stops for reckless, negligent, aggressive, or impaired driving are among the lowest at 1.14 percent of all traffic stops.** Meanwhile, negligent, aggressive, dangerous, and impaired driving remain the leading obstacles to road safety, according to NHTSA.

Further, there is no positive correlation between the volume of traffic stops and improvements in public safety. Just recently, the Maryland State Police (MSP) provided a Letter of Information during the hearing on the companion bill to House Bill 635 (Senate Bill 292). In that letter, the MSP stated:

The Maryland State Police (MSP) has been directly involved in a number of traffic initiatives for the purpose of safer highways and neighborhoods. Our agency has partnered with the Randallstown NAACP at their request for greater visibility and enforcement as well as the Lt Governor's work zone safety committee. *In 2024 the work zone safety enforcement initiative resulted in over **12,000 traffic stops**. Of these stops, 53 warrants were served, 15 criminal arrests were made along with 5 CDS arrests. One firearm was seized. Since June, 2024 MSPs other highway safety initiatives have resulted in over **8,000 traffic stops**. Of these stops, 33 arrests were made for open warrants, 4 criminal arrests, 7 CDS arrests and 1 firearm was seized.*

Another of the MSP's ongoing traffic safety initiatives includes a partnership between state and local law enforcement to patrol the feeder routes into Baltimore City. The NAACP wanted to see a greater law enforcement presence on MD. Rt 140 from I-695 to the Baltimore City line. Since the start of the program in the fall of 2022, together, law enforcement partners have made over 3,000 traffic stops resulting in 24 open warrant arrests, 15 criminal arrests, and 7 firearms seized.

While the MSP's initiatives and partnerships are laudable, they demonstrate that the use of traffic stops for criminal interdiction does not have a significant impact on public safety. Police officers can use their resources more effectively in other ways while still establishing a law enforcement presence in communities of need.

House Bill 635 seeks to prioritize traffic stops in a manner that will allow police officers to use their resources more effectively and improve public safety. With less focus on low-level traffic violations, police resources can be dedicated to investigating serious crimes and enforcing more serious traffic offenses such as reckless driving, speeding, and impaired driving. This would have a

²² According to the Race-Based Traffic Stop Data Dashboard, police officers cited Title 13 (registration or title issues) and Title 22 (equipment) traffic offenses as the top two reasons for their traffic stops in 2023. The third highest cited reason for traffic stops is "Title 21.8," which includes Sections 21-801 through 21-806 (moving violations for speed restrictions).

positive impact on public safety especially since data demonstrates that enforcing low-level traffic stops does not make us any safer. So, while it may be suggested that conducting thousands of traffic stops only to recover one firearm and a handful of controlled dangerous substances is good police work, it certainly cannot be suggested that those traffic stops were the best use of police resources.

Over a dozen states and cities have adopted policies that restrict police enforcement of certain low-level, non-safety-related traffic offenses. The Vera Institute of Justice surveyed states and local jurisdictions and found that the following jurisdictions have adopted a similar policy.

- At least 12 state or local governments have passed policies to limit non-safety-related stops: California; Illinois; New York; Oregon; Virginia; Ann Arbor, Michigan; Chapel Hill, North Carolina; Memphis, Tennessee; Philadelphia; Pittsburgh; Shaker Heights, Ohio; and West Hollywood, California.
- At least 18 jurisdictions have limited these stops by police order: Alliance, Nebraska; Berkeley, California; Culver City, California; Duluth, MN; Fayetteville, North Carolina; Hamden, Connecticut; Lansing, Michigan; Los Angeles, California; Mecklenburg County, North Carolina; Minneapolis, Minnesota; Nashville, Tennessee; New Haven, Connecticut; Newington, Connecticut; Oakland, California; Portland, Oregon; Ramsey County, Minnesota (Maplewood, New Brighton, Roseville, Saint Anthony Village, and Saint Paul); San Francisco; and Seattle, Washington.
- At least six jurisdictions have limited these stops by prosecutorial policy: Chittenden County, Vermont; Ingham County, Michigan; Ramsey County, Minnesota; San Francisco County, California; Suffolk County, Massachusetts; and Washtenaw County, Michigan.

The violations covered in these policies typically fall into eight categories of equipment- and registration-paperwork-related issues, like those covered by House Bill 635.

There are quantifiable benefits to limiting traffic stops. For example, when police officers in Fayetteville, North Carolina, stopped making traffic stops for certain low-level traffic stops, car accidents went down, and non-traffic-related crime was unaffected.²³ Limiting traffic stops can also

²³ Mike Dolan Fliss, Frank Baumgartner, Paul Delamater, Steve Marshall, Charles Poole, & Whitney Robinson, *Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities*. Inj. Epidemiol, Vol. 7, Article 3 (2020), injepijournal.biomedcentral.com/articles/10.1186/s40621-019-0227-6.

reduce overall racial disparities in traffic stops. In Connecticut, when an anti-drunk driving policing unit shifted from using minor lighting infractions to violations to find intoxicated drivers, they achieved a 250-percent increase in DUI arrests and a significant decrease in racial disparities.²⁴ Research demonstrates that when police are permitted to use traffic stops for criminal investigations, drivers of color are stopped at higher rates than when they are not permitted to do so.²⁵ In Philadelphia, for instance, traffic stops for the low-level infractions included in the Driving Equality Act dropped by 54 percent for Black drivers.²⁶ And, because police officers were able to shift their focus to investigating more serious offenses, Philadelphia **police actually recovered guns during more traffic stops than they did previously, despite making 70-percent fewer stops.**²⁷

The changes that these other jurisdictions have made to traffic enforcement demonstrates that the use of armed police officers is not the only or even the best method for low-level traffic enforcement. For example, Ramsey County, Minnesota, sought out and found alternatives following the murder of Philando Castile. The Ramsey County Attorney and the Roseville Police Department implemented policies to decrease “non-public-safety traffic stops” “to improve the quality of justice and safety by focusing resources on situations that are most likely to present a public safety threat, improving community trust, and reducing racial inequities.”²⁸ In 2023, Ramsey County piloted a

²⁴ Tom Condon, *After a poor start, CT’s anti-racial profiling effort is making progress: New legislation could significantly change how police conduct traffic stops*, CTMirror (Jan. 30, 2022), perma.cc/5JKB-HF2Z.

²⁵ See generally Stephen Rushin & Griffin Edwards, *An Empirical Assessment of Pretextual Stops and Racial Profiling*, 73 Stan. L.Rev. 637 (2021), <https://review.law.stanford.edu/wp-content/uploads/sites/3/2021/03/Rushin-Edwards-73-Stan.-L.-Rev.-637.pdf>.

²⁶ Sammy Caiola, *Data shows Philly traffic stops involving Black men are down 54%: A Philadelphia law intended to reduce the number of traffic stops for minor vehicle violations appears to be working, according to a new analysis of Philadelphia Police Dept.*, WHYY (Mar. 6, 2023), [whyy.org/articles/philadelphiadriving-equality-act-data-traffic-stops-black-men-reduction/](https://www.whyy.org/articles/philadelphiadriving-equality-act-data-traffic-stops-black-men-reduction/).

²⁷ Howard Monroe, *New Philly law takes weapons off the streets, data shows*, CBSNews.com (Mar. 3, 2023), www.cbsnews.com/philadelphia/news/new-philly-law-takes-weapons-off-the-streets-data-shows/.

²⁸ Ramsey County, *Decreasing Non-Public-Safety Traffic Stops*, June 7, 2023, www.ramseycounty.us/content/decreasing-non-public-safety-traffic-stops.

mail-in voucher program.²⁹ That program allows each participating law enforcement agency in the county to mail vouchers to owners of vehicles in need of repairs for broken headlights, taillights, and turn signals without conducting a traffic stop. Police officers log the information on their on-board computers and the driver is notified via mail of any issues without ever being stopped.³⁰ This is an enforcement alternative that could and should be implemented in Maryland to build community trust and reduce racial inequities here.

In sum, House Bill 635 will shift important resources for road safety enforcement while also demonstrating a commitment to ending racially disparate policing in Maryland. Police officers will still have the authority to police in a manner that complies with the United States Constitution and the Maryland Declaration of Rights, and Marylanders can develop trust in local law enforcement that a traffic stop is for a valid, safety-related concern, rather than a non-safety-related one. What Marylanders, and particularly drivers of color, need is a solution to the racially disparate traffic enforcement problem and relief from the dangers that flow from these unnecessary (and potentially dangerous) police-citizen encounters. House Bill 635 meets that concern while allowing police to continue to focus on road safety.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a FAVORABLE report on House Bill 635.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Tia L. Holmes, Esq. Deborah Katz Levi
Assistant Public Defender Chief of Strategic Litigation, Baltimore City
Tia.Holmes@maryland.gov Deborah.Levi@maryland.gov

²⁹ The program is part of the Lights On! initiative, which began in Minnesota following Philando Castile's death. Lights On! is a creation of Minnesota-based nonprofit MicroGrants that allows police to distribute vouchers at traffic stops to replace broken car lights (headlights, tail lights, or turn signals) instead of issuing a citation. Drivers can redeem their vouchers for up to \$250 in repairs at local automotive repair shops that have partnered with Lights On! Three jurisdictions in Maryland currently participate in the Lights On! program: Cheverly Police Department, Takoma Park Police Department, and University of Maryland Police Department.

³⁰ See MicroGrants 2023 Annual Report, Ramsey County Program, <https://microgrants.net/wp-content/uploads/2024/07/MicroGrants-2023AR-REFERENCE.pdf>.

PHASE ONE: VEHICLE IN MOTION CHECKLIST

1. Problems Maintaining Proper Lane Position

Weaving
Weaving across lane line
Drifting
Straddling a lane line
Swerving
Almost striking object or vehicle
Turning with a wide radius

2. Speed and Breaking Problems

Stopping problems
Unnecessary acceleration or deceleration
Varying speed
10 mph or more under the speed limit

3. Vigilance Problems

Driving without headlights at night
Failure to Signal
Driving wrong way
Slow response to traffic/officer's signals
Stopping in lane for no apparent reason

4. Judgment Problems

Following too closely
Improper lane change/turn
Driving on other than designated roadway
Stopping inappropriately in response to officer
Inappropriate or unusual behavior
Appearing to be impaired

5. Stopping the Vehicle

Tries to flee
No/slow response
Abrupt weave
Sudden stop
Strikes the curb
New violations

SWASC Testimony HB635.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 635
Motor Vehicles - Secondary Enforcement and Admissibility of Evidence
Judiciary Committee
February 12, 2025

Social Work Advocates for Social Change strongly support HB 635, which will reduce the number of non-safety-related traffic stops by limiting the enforcement of non-safety-related violations (i.e., driving with expired tags, broken taillights, or tinted windows, etc.) to relegation as a secondary offense; these violations cannot be the primary reason for a traffic stop. They can only be included after a violation of another provision of the Maryland code Traffic stops for minor violations expend significant officer time and resources, contribute to racial disparities in law enforcement practices, harm community-police relations, compound financial hardship for those already in poverty, and increase the likelihood for dangerous confrontations.

According to data gathered by the Governor's office of Crime Prevention and Policy, in 2023, there were 482,299 traffic stops in Maryland, and 43% were for non-safety-related violations, like registration and equipment violations.¹ Though stops are usually routine, with both the officer and the driver leaving unharmed, significant risks are present, nonetheless. In 2024, Bowie State Professor James Hyman developed a report that explored how police feel during traffic stops. His findings indicate that police often feel anxious and apprehensive during traffic stops, likely due to various unknown factors present during these stops². Once a stop is initiated, police must walk up to a vehicle with little idea of who is in the car, what that person's state of mind may be, or any other information about the driver. Any deviation from the expected can quickly turn a routine traffic stop into a violent encounter.

According to the Governor's Office of Crime Prevention and Policy data, Black drivers were stopped in 46% of non-safety related stops and were 65% of non-safety related searches.³ According to the Census Bureau, roughly 31.6% of the state's population identifies as Black. However, 71% of the state's prison population is Black⁴ and 62% of people killed by police in Maryland since 2013 have been Black.⁵ From 1993-

¹ Governor's Office of Crime Prevention and Policy (GOCPP). (2023). Race-based traffic stop data dashboard. [Data set]. <https://gocpp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/>

² Thompson, D. (2024, April 17). Dialogue With Law Enforcement and Community Encouraged. From Bowie State University: <https://bowiestate.edu/about/news/2024/new-report-reveals-police-officers-perspectives-on-traffic-stops.php>

³ Governor's Office of Crime Prevention and Policy (GOCPP). (2023)

⁴ Prison Policy Initiative. (2021). Incarcerated populations by race/ethnicity and gender for each state. [Data set]. <https://www.prisonpolicy.org/data/#state>

⁵ Mapping Police Violence. (2024). Full database. [Data set]. <https://mappingpoliceviolence.us>

2008, the American Civil Liberties Union (ACLU) brought numerous lawsuits against Maryland State Police (MSP) for frequently profiling and targeting Black motorists. Though MSP ultimately entered into a consent decree to provide detailed information to the Maryland NAACP regarding profiling complaints, racial disparities in traffic stops persist to this day. In 2023, 43% of people subjected to a traffic stop in Maryland were Black and the percentage of Black people stopped in each county was higher than the population of Black people residing in that county.⁶ These racial disparities further the distrust of police by communities. Decreasing negative interactions with police will serve to increase community police relations.

Maryland police can issue a Safety Equipment Repair Order (SERO) during a traffic stop. This repair order requires that the driver has the repair done, inspected then certified completed by an authorized mechanic, or police officer. The Maryland Department of Transportation outlines the equipment that can be included in a SERO. The driver has 30 days to return the SERO then their vehicle registration will be suspended. This is one example of how a traffic stop can lead to financial hardship. While the responsibility of owning and driving a vehicle is to maintain the safety of the operation of that vehicle, being pulled over carries additional fines and financial responsibility. Repairing a blown brake light can cost around \$200 looking at local retailers in Maryland. If a person is pulled over for a blown brake light, which they probably didn't realize was blown, they can receive a fine and be required to have a licensed mechanic inspect the vehicle. Maryland vehicle inspections generally range in cost from \$60 to \$100 or more. The additional fees associated with a traffic stop can increase the financial burden of vehicle ownership.

Maryland has a chance to lower the encounters police have with the populace, employ a more efficient use of traffic policing, and create a safer environment for police and the populace.

Social Work Advocates for Social Change urges a favorable HB 635.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁶ Governor's Office of Crime Prevention and Policy (GOCPP). (2023)

Council Vice President Jawando Testimony in Support

Uploaded by: Will Jawando

Position: FAV



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 "Will Jawando", with a long, sweeping underline that extends to the right.

Will Jawando

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

Amend - HB0635 Bikemore Testimony.pdf

Uploaded by: Jed Weeks

Position: FWA



February 10, 2025

House Judiciary Committee
100-101 Taylor House Office Building
Annapolis, MD 21401 - 1991

SUPPORT IF AMENDED: HB0635 Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

Bikemore, Baltimore City's livable streets advocacy organization representing more than 8,000 advocates and the 30% of Baltimoreans who lack access to a car, is writing to request amendments to HB0635.

We agree that the kind of traffic stop this legislation seeks to avoid is unsafe, endangering both drivers and police officers. We also recognize the demonstrated racially disparate nature of this kind of traffic stop. However, we have significant concerns with the legislation as drafted, and can only support the legislation with amendments.

We believe that a number of the violations that are being made secondary are of significant safety concern for vulnerable road users, specifically yielding while crossing bike lanes, turning from non-turn lanes, and failure to signal while turning. Drivers operating vehicles without headlights and mirrors are less likely to see vulnerable road users. And other violations cause significant travel delay for transit users, such as driving, standing, or parking in dedicated bus lanes.

Crashes involving these safety violations disproportionately injure and kill Black Baltimoreans, specifically Black men. Violations causing significant delay for transit users impact their access to opportunity, and transit users in the Baltimore region are majority lower-income and majority Black.

This legislation also inadvertently sets up a protected class of driver. A bicyclist or pedestrian littering on the street or otherwise disobeying one of these laws can still be subject to a primary stop for that violation, while a driver cannot. We know that these laws are also used as pretext stops of bicyclists and pedestrians, and that those bicyclists and pedestrians subjected to these stops are also most often Black and likely even more socially vulnerable than someone who has the privilege of affording a car. **If this legislation moves forward, it should be amended where appropriate to include pedestrians and operators of other vehicles like bicycles.**

We believe this legislation may inadvertently disallow a better method of police enforcement for these kinds of violations: high visibility enforcement. As referenced in the Office of Public Defender's FAQ, high visibility, DUI style checkpoints eliminate many of the problems with individual stops. Other countries utilize this style of stop for broader safety and registration checks, issuing repair or renewal orders instead of fines. **This legislation should be amended to make clear this style of enforcement shall be permitted as a primary enforcement mechanism for the listed violations.**

We believe that expanded automated enforcement, paired with scaled fines, payment plans, and other methods to equitably address the cost of fines can address many of these violations as well. However, there has been opposition by some sponsors of this legislation to usage of these alternative enforcement measures in the past, including efforts to curtail this enforcement in the Senate. **This legislation must be paired with authorization for jurisdictions to expand automated enforcement types and geographies.**

Finally, local jurisdictions must be clearly granted the authority to boot and tow vehicles with expired registrations, illegal or obscured plates, and for significant unpaid automated enforcement tickets using their non-police traffic enforcement officers. A lack of clarity and authorization here means passage of this legislation alone will result in jurisdictions having no legal means to address these issues.

We support the intent of this legislation. We believe that our concerns with this legislation can be addressed by incorporating our above feedback. And we believe with that feedback incorporated, safety for all road users in Maryland will be improved. But we can't support this legislation as drafted, and in isolation.

We urge the committee to incorporate our above recommendations if HB0635 moves forward.

Sincerely,



Jed Weeks
Executive Director

Amendment Summary:

- Replace “driver of motor vehicle” to include pedestrians and all other vehicle operators, including bicycles, play vehicles, and EPAMDs.
- Clearly permit high-visibility enforcement to conduct primary stops for these offenses.
- Authorize local jurisdictions to expand automated enforcement types and geographies.
- Make clear local jurisdictions have the authority to boot and tow vehicles using non-police traffic enforcement officers for expired registrations, fake tags, obscured tags, and unpaid automated enforcement citations.

Testimony in support with amendments of HB0635 - M

Uploaded by: Richard KAP Kaplowitz

Position: FWA

HB0635_RichardKaplowitz_FWA
02/10/2025
Richard Keith Kaplowitz
Frederick, MD 21703-7134

**TESTIMONY ON HB#0635 - POSITION: FAVORABLE WITH AMENDMENTS
Motor Vehicles - Secondary Enforcement and Admissibility of Evidence**

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ HB#/0635, Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

The phrase “mission creep,” which pertains to “the gradual broadening of the original objectives” beyond a task’s original scope, goals, or focus, originated in military circles but has been adopted by much of the business world. A type of mission creep can occur in a police traffic stop, as well. While mission creep in business may cost time or money, mission creep in a traffic stop may cost the suspect his/her constitutional rights...Maryland law is clear that a “traffic stop is lawful so long as there is probable cause to believe that the driver has committed a violation of the vehicle law.”¹

It has happened that, due to bias, traffic stops are made for an alleged traffic violation when the actual reason was the profiling of the persons in the car. The vast majority of traffic stops are done for legitimate reasons but not always. This bill does NOT stop any officer from making a traffic stop, it simply requires the reasons for the stop to be fully documented.

This bill requires a police officer to document all reasons for a traffic stop or other stop on a citation or police report resulting from the stop. It creates a cause of action for the person stop by establishing that certain evidence obtained during a traffic stop or other stop in violation of certain provisions may be or is inadmissible in certain proceedings. It accomplishes this goal by authorizing a police officer to enforce certain provisions of the Maryland Vehicle Law only as a secondary action.

I believe this problem of traffic stops with the alleged violation of traffic laws as a cover for a profiling-based stop should be studied and documented before the actions contemplated in this bill are passed. I would favor the creation of a task force to study the problem with a certain date established to report back to the General Assembly to decide on the next steps.

I respectfully urge this committee to return a favorable with amendments report on HB0635.

¹ <https://www.marylandcriminallawyer-blog.com/when-a-legal-traffic-stops-being-legal-unconstitutional-seizures-under-maryland-law/>

2025 HB0635 Testimony Against 2025-02-12.pdf

Uploaded by: Alan Lang

Position: UNF

Testimony Against HB0635

Honorable Delegates

Please enter an unfavorable report against HB0635.

I support the current law, whereby violations of the Maryland Vehicle Law are subject to primary enforcement unless otherwise specified. Accordingly, a police officer may detain a driver for a suspected violation of most provisions of the Maryland Vehicle Law without having to first suspect a violation of another State law.

Consequently, I do not support making the following vehicle offenses under the Transportation Article subject to secondary enforcement only:

- § 13-401 (driving or allowing an unregistered vehicle to be driven);
- § 13-411 (improperly displaying registration plates and tabs);
- § 13-701 (driving a vehicle without evidence of registration);
- § 13-703 (unauthorized use of registration card, plate, special plate, permit, or certificate of title);
- § 21-604 (failing to comply with turning, slowing, and stopping movements; failing to give required signals);
- § 21-605 (failing to give signals by hand and arm or signal lamps);
- § 21-1111 (putting glass, injurious substances, or refuse on highways, bridges, or public waters);
- § 21-1117 (engaging in skidding, spinning of wheels, and excessive noisemaking);
- § 21-1133 (driving, standing, or parking a vehicle in a dedicated bus lane);
- § 22-101(a)(2) (committing any forbidden act or failing to do any act required under Title 22 of the Transportation Article);
- § 22-203 (headlamp requirements);
- § 22-204 (tail lamp requirements; failing to properly illuminate rear registration plate);
- § 22-206 (stop lamp and electric turn signal requirements);
- § 22-403 (mirrors requirements);
- § 22-406 (safety glass requirements); and
- § 22-602 (exceeding the maximum sound limits, as specified in § 22-601, when driving a vehicle on a highway)

Testimony Against HB0635

This bill subjects specified vehicle offenses to secondary enforcement only. A police officer's failure to comply with these limitations may be grounds for administrative disciplinary action against the officer and any evidence obtained by the officer under such circumstances is inadmissible in any trial or other proceeding. Additionally, the bill requires a police officer to document all reasons for a traffic stop (or other stop) on any citation or police report resulting from the stop. The failure of a police officer to comply with existing specified existing statutory requirements at a traffic stop or other stop may serve as the basis for exclusion of evidence under the exclusionary rule.

I have been stopped several times for non-working lights, and while initially annoyed at the detainment, I realized that not having these devices working properly was a safety issue for me and other drivers. In every case, I was unaware of the situation and may not have noticed it for some time.

I believe that converting these listed items from primary enforcement to secondary enforcement would put the public in danger by ignoring safety issues and on some occasions, prevent the police from discovering that the person detained is actually wanted for a more serious crime.

This bill would make the job of police officers that much more difficult and increases their administrative duties. At a time when crime is increasing, and the number of police officers is decreasing, this bill would exacerbate the problems instead of solving them. This bill is just another example of some legislators not valuing policing and the public's safety.

Please enter an unfavorable report against HB0635.

Alan Lang
45 Marys Mount Road
Harwood, MD 20776
Legislative District 30B
410-336-9745
Alanlang1@verizon.net

February 12, 2025

HB 635 - MML - OPP.pdf

Uploaded by: Angelica Bailey Thupari

Position: UNF



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 12, 2025

Committee: House Judiciary

Bill: HB 635 - Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

Position: Oppose

Reason for Position:

The Maryland Municipal League (MML) respectfully opposes House Bill 635, which establishes substantial new requirements for law enforcement officers during traffic stops, including prohibiting officers from referring to the Maryland Vehicle Law as the primary reason for pulling over a driver.

Municipalities, more than half of which have their own police departments, view this bill as harmful to crime prevention efforts. Under this bill, an officer could not detain a driver for suspended registration, driving in a bus lane, driving with a broken headlight, or excessive noise, among others. These types of traffic stops are a major way law enforcement catches criminal activity—such as drugs, stolen cars, or illegal weapons—that might otherwise go unnoticed. Limiting police officers' ability to pull over drivers could make it more difficult to address certain safety issues, like impaired driving, reckless driving, or unregistered vehicles, and provide fewer opportunities to stop dangerous behavior before it escalates into accidents or more serious incidents.

Further, local governments rely on fines and fees collected from traffic violations as a source of revenue. A bill that reduces the number of police stops could lead to a decrease in this revenue, putting additional strain on local budgets. And if drivers are no longer incentivized to timely renew their registration, revenue collected from vehicle registration on the state level will also decrease.

For these reasons, the Maryland Municipal League respectfully requests an unfavorable report on House Bill 635. For more information, please contact Angelica Bailey Thupari, Director of Advocacy & Public Affairs, at angelicab@mdmunicipal.org or (443) 756-0071. Thank you in advance for your consideration.

The Maryland Municipal League uses its collective voice to advocate, empower and protect the interests of our 160 local governments members and elevates local leadership, delivers impactful solutions for our communities, and builds an inclusive culture for the 2 million Marylanders we serve.

2025 HB 635 -Motor Vehicles - Secondary Enforcemen

Uploaded by: angelo consoli

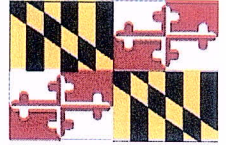
Position: UNF



CLYDE BOATWRIGHT
STATE PRESIDENT

Maryland State Lodge
FRATERNAL ORDER OF POLICE

8302 COVE ROAD, BALTIMORE, MD 21222



KENNY SCHUBERT
SECRETARY

EARL KRATSCH
TREASURER

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
2nd Vice President, FOP, Maryland State Lodge
President, FOP Lodge 89, Prince George's County

HB 635 written testimony Chip Bertino.pdf

Uploaded by: Chip Bertino

Position: UNF



House Bill 635

Motor Vehicles- Secondary Enforcement and Admissibility of Evidence

Position: **OPPOSE**

To: Judiciary Committee

Date: Feb. 10, 2025

From: Chip Bertino, Worcester County Commissioner

Good afternoon Chair Clippinger and committee members. I am writing to oppose HB 635. This bill would further restrict law enforcement officials throughout the state from doing their jobs in order to advance progressive objectives aimed at condemning police officers as a societal threat.

House Bill 635 reclassifies multiple primary traffic violations, for which police can pull a driver over, to secondary violations. Included in this category are driving without functioning headlights or taillights, driving without a mirror, window tint, throwing litter from a car and failure to illuminate a license plate among other violations. Under the bill, citations can be written for these violations but only as secondary offenses. Officers would be required to stop vehicles for other, primary, reasons.

So, who is responsible if a car without functioning headlights, ignored by police, causes a fatal accident? How about a situation where a road officer makes a traffic stop and is unable to see inside the vehicle because the windows are too dark? What if the driver, hidden behind very dark tinted windows, has a weapon aimed at the officer walking alongside the vehicle? And, what if, heaven forbid, the officer is shot as a result? Will the supporters of this bill, should it become law, be held accountable?

This is yet another attempt by Annapolis lawmakers to take away law enforcement tools necessary to protect our communities.

The mindset of individuals attempting to water down the effectiveness of sworn officers working to protect and serve our communities is as frustrating to law enforcement as it is dangerous to the citizens they are sworn to serve.

Admittedly law enforcement has a responsibility to labor without malice toward any individual or group. But just as important is the responsibility of citizens to obey the law, a concept that some people fail to appreciate and accept.

I urge you to oppose HB 635. Thank you for your service, your time and your consideration.

HB0635oppositionsigned.pdf

Uploaded by: Daniel Franklin

Position: UNF




Morningside Police Department

6901 Ames Street
Morningside, MD 20746
Phone: 301-736-7400



Daniel J. Franklin
Chief of Police

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.

HB0635 - 2025- Motor Vehicles - Secondary Enforcem

Uploaded by: Ella Ennis

Position: UNF



Ella Ennis, Legislative Chairman
Maryland Federation of Republican Women
PO Box 6040, Annapolis MD 21401
Email: eee437@comcast.net

The Honorable Luke Clippinger, Chairman
And Members of the Judiciary Committee
Maryland House of Delegates
Annapolis, Maryland

RE: HB0635 – Motor Vehicles – Secondary Enforcement – **OPPOSE**

The 1154 members of the Maryland Federation of Republican Women oppose HB0635.

Restricting police officers from enforcing safety requirements on vehicles traveling Maryland highways and county roads puts all citizens in danger. Non-functioning headlights, tail lights and turn signals or brake lights are all safety hazards. Failing to give signal when turning is also a safety issue. Either the equipment works or it doesn't. Enforcement of safety equipment is not discriminatory or racist.

The bill also prohibits a police officer from stopping a motorist if their vehicle does not have registration plates. It also allows a person to drive on expired registration plates for 4 months after the expiration date. Why should anyone renew their vehicle registration on time?

HB0635 puts everyone in danger when travelling on State and local roads and encourages non-compliance and non-respect for Maryland laws. Please give HB0635 an **UNFAVORABLE** Report.

Sincerely,
Ella Ennis
Legislative Chairman
Maryland Federation of Republican Women

HB635.pdf

Uploaded by: Matthew Crisafulli

Position: UNF

Worcester County Sheriff's Office

Matthew Crisafulli
Sheriff



Nathaniel J Passwaters
Chief Deputy

February 10th, 2025

Committee Members
6 Bladen St., Suite 308
Annapolis, Md. 21401

I am writing to express my deep concern for House Bill 635 regarding legislative efforts to limit our law enforcement officers' scope of action on traffic stops. It is a dangerous route to limit the scope of action that our law enforcement officers can take to ensure safe streets and safe communities in Maryland. Our brave men and women should be given more assets to increase the safety in all Maryland communities. Legislators should not be limiting our men and women from protecting our communities, as well as theirs! This would make all residents of our state less safe!

Traffic stops are one of the most unpredictable and dangerous aspects of law enforcement. They often lead to the seizure of illegal firearms, narcotics, and individuals with outstanding warrants, contributing to crime reduction and enhancing community safety. Limiting law enforcement's ability to conduct traffic stops effectively may embolden criminal activity, hinder proactive policing, and make our communities more vulnerable to criminality.

Furthermore, reducing law enforcement engagement in traffic enforcement may lead to increased reckless driving, impaired driving, and other traffic-related offenses that endanger innocent motorists and pedestrians. This legislation would effectively weaken the safeguards of our Maryland communities. This type of legislation is dangerous! Legislators should be creating laws to protect residents, not endanger them!

I strongly oppose any legislation that would restrict law enforcement officers from shielding our communities from potential criminal behaviors. This legislation would make our communities more vulnerable to motor vehicle crashes and crime. I strongly oppose House Bill 635!

Sheriff Matt Crisafulli

A handwritten signature in blue ink, appearing to read "M. Crisafulli", written over the printed name.

HB 635 - MSAA Unfavorable.pdf

Uploaded by: Patrick Gilbert

Position: UNF



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).

HB 635.SB 292.Opposition_Letter .pdf

Uploaded by: Reuben Collins

Position: UNF



Charles County Government

CHARLES COUNTY COMMISSIONERS

Reuben B. Collins, II, Esq., *President*
Ralph E. Patterson, II, M.A., *Vice President*
Gilbert O. Bowling, III
Thomasina O. Coates, M.S.
Amanda M. Stewart, M.Ed.

Mark Belton
County Administrator

February 12, 2025

Re: Opposition to for House Bill 635 – Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

Dear Chairman Clippinger, Vice Chairwoman Bartlett, and Members of the Committee:

On behalf of the Charles County Board of County Commissioners, I write to express our opposition to House Bill 635, which proposes to prohibit law enforcement officers from stopping drivers for 16 secondary traffic offenses. These offenses include, but are not limited to, operating a vehicle with an unregistered license plate, failing to give a proper signal, or spinning wheels or noisemaking.

After garnering feedback from our County's Sheriff's Office and State's Attorney's Office, we are of the opinion that SB 635 will lead to an increase in crime and create additional public safety concerns for community. Something like driving without headlights is classified in the bill as a secondary offense and cannot be the purpose of a traffic stop, yet such an infraction may lead to a serious collision, which could be avoided with proper law enforcement intervention. As another example, throwing garbage from a vehicle has been complained of in our community by residents who do not want to reside where trash litters our natural spaces, and may cause environmental degradation, yet this bill would prevent law enforcement from initiating a traffic stop for this purpose. This effectively renders our anti-litter laws worthless, which is not in the best interest of our community.

We believe law enforcement officers need the ability to keep us safe and enforce the law. HB 635 will prevent effective policing, leaving our law-abiding residents with no recourse. For these reasons, we urge this committee to issue a UNFAVORABLE report on this legislation. Thank you for your consideration.

Sincerely,

A blue ink signature of Reuben B. Collins, II, Esq., consisting of stylized initials and a surname.

Reuben B. Collins, II, Esq., President
County Commissioners of Charles County

cc: Charles County Delegation

MCPA-MSA HB 635 SECONDARY ENFORCEMENT AND ADMISSION

Uploaded by: Samira Jackson

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger Chair and
Members of the House Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira A. Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 12, 2025

RE: **HB 635 – Motor Vehicles - Secondary Enforcement and Admissibility of Evidence**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA)
OPPOSE HB 635.

SB 292 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. Certain moving violations that will no longer be a primary offense include littering, refusing to remove wrecked or damaged vehicles from a highway, and spinning of wheels. Equipment violations reduced to a secondary offense related to the safe operation of a motor vehicle include malfunctioning or missing safety equipment such as headlights, tail lights, and rearview mirrors, amongst other offenses.

This bill also requires a police officer to document all reasons for a traffic stop on any citation or report. This requirement will compel an officer to cite a violator for each and every violation observed in order to clearly justify the legal reason for the stop. Discretion will no longer apply in which an officer may forgo a speeding violation, where points apply, for a lesser violation. Otherwise, the officer is left in the perilous position of having to defend the reasons for the traffic stop. One would hardly consider it fair to "load up" the citation counts to meet this burden. This provision is tacitly unfair to the general motoring public and will only serve to exacerbate mistrust. 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, in order 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 [Emphasis added]. 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.

SB 292 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.

In 2019, the Maryland General Assembly passed the first Vision Zero legislation with the belief that crashes are preventable and views zero as the only acceptable number of motor vehicle deaths. The law set a goal of zero motor vehicle-related fatalities or serious injuries by 2030. The following data provides substantive evidence that Maryland is failing in achieving this goal.

	2019	2020	2021	2022	2023	5-Year Average
Fatal Crashes	496	546	524	534	577	535
Injury Crashes	32,938	25,360	28,142	28,027	28,577	28,609
Property Damage Crashes	82,583	69,728	80,243	79,908	81,247	78,742
Total Crashes	116,017	95,634	108,909	108,469	110,401	107,886
Total of All Fatalities	535	573	563	566	621	572
Total Number Injured¹	48,682	36,790	40,858	40,719	41,538	41,717

The MCPA and MSA fully support highway safety efforts, citing the following:

1. **Promoting road safety:** Violations like broken headlights or expired tags can directly impact road safety. Broken headlights can reduce a driver's visibility, making nighttime driving more dangerous for both the driver and others on the road. Stopping drivers for these reasons can address safety risks early.
2. **Deterrence of further violations:** Allowing officers to stop drivers for these types of violations serves as a deterrent. When people know that minor infractions, such as an expired tag, could result in a traffic stop, they may be more inclined to keep their vehicles properly registered and maintained.
3. **Preventing larger violations:** Some minor violations could be indicators of other potential issues, such as unlicensed or uninsured vehicles, exposing innocent vehicle operators or passengers to the risk of suffering personal physical injury or property damage by the operator of an unregistered vehicle without required automobile liability insurance. By stopping drivers for violations for expired tags, officers often uncover more serious violations, such as a lack of insurance or a suspended license, which could prevent unsafe drivers from operating vehicles.
4. **Enforcing legal requirements:** Rules of the road should be enforced consistently. If traffic laws are established and enforced uniformly, it can send a clear message that following these regulations is important for everyone. If expired tags and broken headlights are allowed to go unchecked, it could create a sense that certain traffic laws are unimportant.
5. **Supporting the vehicle registration system:** Vehicle registration and inspection systems are established to ensure that only roadworthy and legal vehicles are on the road. If expired tags

¹ [Zero Deaths Maryland, Maryland Highway Safety Office, Maryland Crash Data, https://zerodeathsmd.gov/resources/crashdata/](https://zerodeathsmd.gov/resources/crashdata/)

aren't addressed directly through primary stops, the system's effectiveness in maintaining vehicle safety and registration compliance could be reduced.

6. **Preventing future problems for the driver:** Often, drivers with expired tags or broken headlights are unaware of the violation, or they may not have the means to address it immediately. A traffic stop gives officers the chance to inform the driver of the issue and allow them the opportunity to correct it. This proactive approach can be seen as an educational opportunity to ensure that drivers are aware of violations and can take corrective action.
7. **Apprehension of violent offenders:** Timothy McVeigh, Ted Bundy, John Allen Muhammad, David Berkowitz, Rodney Alcala, Robert Ben Rhoades, Andrew Cunanan, Mark Allen Smith, Angel Resendiz, and Shawn Grate, murderers, rapists, serial killers, all apprehended as a result of traffic stops, excellent work by 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 the horrendous accidents that we witness regularly on our highways.

Because passage of this bill would undermine enforcement of many of Maryland's mandatory vehicle operation standards, the Maryland Chiefs of Police Association and Maryland Sheriffs' Association **OPPOSE HB 635.**

HB 635 - Motor Vehicles - Secondary Enforcement an

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: HB 635
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 635
MOTOR VEHICLES – SECONDARY ENFORCEMENT AND ADMISSIBILITY OF
EVIDENCE

I write in opposition to House Bill 635 Motor Vehicles - Secondary Enforcement and Admissibility of Evidence. This Bill prevents law enforcement officers from doing their job and enforcing the law when it comes to traffic stops. It includes a long list of offenses that would prevent officers from conducting a stop for those reasons.

Some of those laws include offenses that would interfere with making sure drivers remain safe. A car is driving on a dark 2 lane road. Cars are coming in the other direction. One of the cars does not have a left front headlight. The officer sees this but can do nothing if HB 635 is passed, the inability for police to act puts all drivers at risk.

What is more it is one of the 1st times I have seen a Statute that if violated by a police officer could be grounds for “administrative disciplinary action against the officer.” I have never seen a Statute like that in Maryland.

The important thing to remember is that all police officers now have Body Cameras. Hit play and all parties can see everything that transpired including if something wrong took place. The question to be asked is since when has the Constitution and the Bill of Rights not provided enough protections to our citizens. Since when do we make things illegal but officers are prevented from enforcing the laws.

I urge an unfavorable report.

20250212 HB 0635 Motor Vehicles - Secondary Enforc

Uploaded by: Travis Breeding

Position: UNF



House Bill 635

Motor Vehicles – Secondary Enforcement and Admissibility of Evidence

Position: UNF

Date: **February 12, 2025**

To: **Judiciary, Environment
& Transportation**

On behalf of the Caroline County Commissioners, we wish to express our **strong opposition** for **House Bill 635 –Motor Vehicles—Secondary Enforcement and Admissibility of Evidence**, which would impose significant restrictions on law enforcement's ability to conduct traffic stops and use evidence obtained during such stops in legal proceedings. While we support efforts to ensure fairness in policing, this bill poses substantial risks to public safety and law enforcement effectiveness in our county.

Concerns and Negative Impacts on Caroline County:

1. **Reduced Law Enforcement Authority:** HB 635 limits officers' ability to stop vehicles for certain primary offenses, hindering proactive policing. Routine traffic stops often lead to the discovery of more serious violations, such as illegal weapons, drug trafficking, or outstanding warrants. Restricting these stops could allow dangerous individuals to remain on the road undetected.
2. **Increased Public Safety Risks:** The bill's shift to secondary enforcement for certain offenses may encourage noncompliance with traffic laws, including seatbelt usage and vehicle safety requirements. We are concerned that this will lead to an increase in preventable accidents, injuries, and fatalities on our roads.
3. **Admissibility Issues in Court:** By limiting the use of evidence obtained in stops deemed inconsistent with the bill's new provisions, HB 635 could result in the dismissal of cases involving serious criminal activity. This restriction would weaken the ability of our courts to prosecute offenders effectively, putting our residents at greater risk.
4. **Administrative and Legal Burden:** The bill's requirement that officers document all reasons for a stop in every citation or report will increase the administrative workload for our law enforcement personnel. Furthermore, legal challenges arising from the new evidentiary rules may burden the county's judicial system, leading to delays and increased costs.

For these reasons, we urge the Maryland General Assembly to reject HB 635 in its current form. While we support efforts to enhance transparency and accountability in law enforcement, we believe this bill, as written, would undermine public safety and hinder officers' ability to protect the communities they serve.

Sincerely,

J. Travis Breeding, President

2025_02_12 HB 635 - Support in Concept.pdf

Uploaded by: Anthony Brown

Position: INFO



CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

February 10, 2025

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>.

The Honorable Luke Clippinger

Re: House Bill 635

February 10

Page 4

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

Maryland State Police Position Paper HB0635.pdf

Uploaded by: Owen Traynor

Position: INFO



State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 12, 2025

BILL NUMBER: House Bill 635 **POSITION:** Letter of Information

BILL TITLE: Motor Vehicles – Secondary Enforcement and Admissibility of Evidence

REVIEW AND ANALYSIS

This legislation prohibits a police officer from enforcing certain vehicle laws as a primary violation. The violations for which a police officer can no longer stop a motor vehicle are, unregistered motor vehicle, expired tags, displaying tags issued to another vehicle, driving on suspended, canceled, or revoked registration, dropping hazardous materials on the highway or littering, blocking bus lanes, equipment violations, and noise violations, to name just a few.

Under current law, a police officer is required to have probable cause that a violation is occurring or has occurred before making a traffic stop of a motor vehicle. Probable cause violations include faulty equipment, moving violations, registration violations, as well as criminal violations such as any number of alerts related to missing persons, silver alerts, stolen tags or vehicles. Traffic stops include moving and nonmoving violations and equipment repair orders.

The Maryland State Police (MSP) has been directly involved in a number of traffic initiatives for the purpose of safer highways and neighborhoods. Our agency has partnered with the Randallstown NAACP at their request for greater visibility and enforcement as well as the Lt Governor's work zone safety committee. In 2024 the work zone safety enforcement initiative resulted in over 12,000 traffic stops. Of these stops, 53 warrants were served, 15 criminal arrests were made along with 5 CDS arrests. One firearm was seized. Since June, 2024 MSPs other highway safety initiatives have resulted in over 8,000 traffic stops. Of these stops, 33 arrests were made for open warrants, 4 criminal arrests, 7 CDS arrests and 1 firearm was seized.

Another of the MSP's ongoing traffic safety initiatives includes a partnership between state and local law enforcement to patrol the feeder routes into Baltimore City. The NAACP wanted to see a greater law enforcement presence on MD. Rt 140 from I-695 to the Baltimore City line. Since the start of the program in the fall of 2022, together, law enforcement partners have made over 3,000 traffic stops resulting in 24 open warrant arrests, 15 criminal arrests, and 7 firearms seized.

House Bill 635 creates a prohibition for a police officer to stop a motor vehicle for certain traffic offenses. This prohibition is punishable by administrative disciplinary action against the officer and includes termination. Many of the offenses specified in the legislation are serious traffic violations which directly impact the safety of other drivers and pedestrians. As demonstrated earlier, traffic stops do provide a measure of criminal enforcement results.

State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

Motor vehicles are the main source for the importation of illegal guns, drugs, and fugitives to and from our neighborhoods. Many of the violations described in the legislation lead to the discovery of more serious crimes. Driving an unregistered vehicle or driving with tags belonging to another often lead to uninsured motor vehicles, or stolen cars. Additionally, unsafe vehicles, such as those without headlights, stop lights, or turn signals, make vehicles unsafe to operate and make our roadways more dangerous for the motoring public and pedestrians.

If a motor vehicle was driving on a roadway at night without any lights on, House Bill 635 would prohibit the officer from stopping the vehicle and possibly saving a life. Should the driver of this same vehicle be intoxicated, any evidence of the additional offenses would be inadmissible and the officer would be facing disciplinary action. Safe cars save lives.

The Maryland General Assembly has had to deal with a number of traffic related problems that impact the state: the increase in motor vehicles that are registered in surrounding states residing in Maryland, noise complaints from motorcycles, commercial vehicles and modified exhausts, uninsured motor vehicles, and overall traffic safety. House Bill 635 prevents law enforcement from enforcing many of these violations as a primary violation.

The Maryland Department of State Police hopes you find this information useful as you consider House Bill 635.

HB0635 – MVA, MDTA - LOI - Motor Vehicles - Secon

Uploaded by: Patricia Westervelt

Position: INFO

February 12, 2025

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

RE: Letter of Information – House Bill 635 – Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

Dear Chair Clippinger and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 635 and offers the following information for the Committee’s consideration.

House Bill 635 would reclassify several types of moving violations as subject to only secondary enforcement by Maryland police officers. Among these types of moving violations that would no longer be a primary offense include failure to display valid vehicle registration plates and tabs, malfunctioning or missing safety equipment such as headlights and taillights, failure to use a turn signal when changing lanes or making a turn from a roadway, littering from a vehicle, and certain other offenses. Failure to comply with this requirement may be grounds for administrative disciplinary action against the officer, and any evidence obtained in violation of the stop shall be inadmissible in any trial or other proceeding.

Currently, the primary enforcement mechanism in Maryland for matters such as valid vehicle registration, rules of the road, and vehicle equipment is action by law enforcement in the State. The Motor Vehicle Administration (MVA) relies on referrals by law enforcement for repair orders when vital equipment such as headlights are identified as inoperable. Maintaining compliance with the Federal Clean Air Act via the Vehicle Emissions Testing Program (VEIP) and enforcement of vehicle operation laws such as speed limits and traffic safety signals using automated enforcement devices require vehicles to be properly registered.

When a vehicle fails to meet its VEIP testing obligations, the MVA will issue warnings and eventually suspend registration on the vehicle. A vehicle cannot renew its registration until it is brought into testing compliance. Similarly, unpaid automated enforcement citations will prevent renewal of registration of a vehicle if the jurisdiction operating the system issues a flag notice to the MVA. Failure to rectify repair orders for defective or inoperable equipment such as headlights or turn signals also impacts an owner’s ability to maintain or renew vehicle registrations.

The Honorable Luke Clippinger
Page Two

House Bill 635 limits the means by which Marylanders are compelled to comply with vehicle registration requirements and safe driving behavior because it removes a vital element for enforcing these requirements. Removing law enforcement's authority to perform traffic stops that cite drivers operating vehicles with expired or no registration, inoperable safety equipment, or unsafe driving behaviors will limit the referrals to the MVA for rectifying these impediments – this has a direct impact on the safety and condition of Maryland roadways. All of these important measures contribute to Maryland's compliance with federal law, efforts to reach zero roadway deaths by 2030, and ensure safe and well-maintained transportation infrastructure in the State.

The Maryland Department of Transportation respectfully requests the committee consider this information during its deliberation of House Bill 635.

Respectfully submitted,

Matthew Mickler
Director of Government Affairs
Maryland Department of Transportation
410-865-1090