



FAVORABLE - SB 55

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

Senate Judicial Proceedings Committee – Tuesday, January 20, 2026

Dear Chair Smith, Vice Chair Waldstreicher, 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 SB 55, which will save lives by eliminating unnecessary encounters between civilians and law enforcement officers that too often result in violence. SB 55 seeks to prohibit drivers from being stopped solely for a secondary violation (e.g., one headlight out) that does not pose a public safety risk. SB 55 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 use of force. Many law enforcement encounters with civilians that result in fatalities begin 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 with an air freshener hanging from his

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/>.



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. Under U.S. Supreme Court precedent, 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.”).



SB 55 would protect drivers by eliminating unnecessary traffic stops. The bill classifies as secondary violations certain offenses such as driving with one non-functioning light, a damaged mirror, or a registration that expired within the last four months. These minor traffic infractions pose no risk to public safety, but law enforcement response to these violations does. Limiting police contact with civilians to circumstances where a driver has 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—SB 55 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 SB 55, 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 state and 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 SB 55 a favorable review. I am happy to answer questions. You can contact me at keisha.npap@nlg.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keisha James', written over a horizontal line.

Keisha James

National Police Accountability Project

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

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

¹⁰ Mapping the Progress of Policies to Limit Non-Safety Related Traffic Stops, Vera, available at: <https://www.vera.org/ending-mass-incarceration/criminalization-racial-disparities/public-safety/redefining-public-safety-initiative/sensible-traffic-ordinances-for-public-safety/stops-map> (last updated Oct. 23, 2025); 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>.