

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs and the Maryland Coalition for Justice and Police Accountability. I am a resident of District 40. **I am testifying in opposition to SB0396, the Drug-Free Roadways Act of 2024.**



Despite the name given this bill by its sponsors, SB396 is not about safer roadways; it is about repealing last year's HB1071, which banned searches based on the odor of marijuana. SB396 would make it once again legal for police to search a vehicle based solely on a claim that they smelled marijuana. Even worse, it completely removes the provision that deems any evidence found by violating the law inadmissible. Without this provision, the remains of the law- banning searches based on seeing marijuana or marijuana near cash- is rendered useless because there is no disincentive for police to ignore the statute.

Police and their advocates fought to keep HB1071 from passing and now want the law repealed, but the ban on odor-based searches is necessary now for the same reasons it was last year. The odor of marijuana has long been a go-to excuse for police. Odor is a subjective basis on which to justify a stop. Even when a search reveals no evidence of cannabis possession or use, the courts have held that the lack of evidence doesn't disprove that the officer smelled marijuana. Countless unnecessary and invasive searches are the result! As the Department of Legislative Services pointed out in the Racial Equity Impact Note on last year's HB1071, Black drivers in Maryland are stopped by police at vastly disproportionate rates. This bill, if passed, would lead to Black people –again–being the victims of excessive and unnecessary searches.

Cannabis is now legal for recreational use, and the odor can be long-lasting: smelling marijuana therefore does not suggest illegal activity. It is therefore unjust to let the odor of cannabis serve as a reason for police to conduct searches on the off chance that they might find some kind of contraband.

It is for these reasons that I am encouraging you to vote **in opposition to SB0396.**

Thank you for your time, service, and consideration.

Sincerely,

**Jan Kleinman**

**816 Union Ave**

**Baltimore, MD 21211**

Showing Up for Racial Justice Baltimore