

Bill Number: SB 396
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 396
STOPS AND SEARCHES

I write in support of Senate Bill 396 that moves criminal procedure Article 1 – 211 closer to accepted 4th Amendment principles than the current statute.

For centuries, stops and searches have been covered by the 4th Amendment. For decades, case law has outlined what police were allowed to do and not allowed to do when searching a vehicle. House Bill 1071 from 2023 changed long established 4th Amendment principles for car searches by declaring that the odor of cannabis cannot be the basis for a stop or a search. The Legislature adds that possession of cannabis in an amount that constitutes personal use or the presence of currency near cannabis also cannot lead to a search.

Senate Bill 396 changes this slightly. Under Senate Bill 396 a stop or search of a person or vessel still cannot be based on the odor of cannabis, etc.

Senate Bill 396 changes the rule back regarding the odor of cannabis in a car. The prohibition to stop or search based upon an amount of cannabis that constitutes personal use or presence of currency is preserved.

Senate Bill 396 reaffirms that even if a search is allowed only areas that are accessible to the driver can be searched.

Please remember there is another legal substance that if smelled in connection to a car can allow an officer to take reasonable steps in line with the 4th Amendment. Think about how we handle alcohol. Cannabis should be handled the same way.

I urge a favorable report.