

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 (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA). 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 solely 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Police and their advocates fought to keep HB1071 from passing and now want the law repealed, but the ban on odor-based searches is necessary now for the same reasons it was last year.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 who want to conduct vehicle searches because it is completely subjective and 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 of police suspicion based on the odor of marijuana. 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**; which means Black people are the ones most affected by policies that result in excessive and unnecessary searches of ordinary people just trying to live their lives. **Undoubtedly, maintaining the ban on odor-based searches will save lives.**

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.

**Searches based solely on the alleged odor of marijuana act as a racial profiling tool.** Banning odor-based searches (and rendering any evidence gained in those illegal searches inadmissible in court) is the logical next step now that recreational use of marijuana is legal. Additionally, while Black and white folks use marijuana at nearly identical rates, Black folks are far more likely to be criminalized for marijuana use, as the majority of people that are arrested for possession are Black. This is related to a popular narrative that cannabis use among white folks is recreational or medicinal, while use among Black folks is related to criminal activity.

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,

Christina L Nemphos  
1301 W 42nd Street  
Baltimore, Md 21211  
Showing Up for Racial Justice Baltimore