

**OFFICE OF POLICY AND LEGAL ANALYSIS
BILL ANALYSIS**

TO: Members, Joint Standing Committee on Criminal Justice and Public Safety

FROM: Jane Orbeton, Legislative Analyst

DATE: February 26, 2021

LD: 417 An Act To Protect Maine's Drivers from Pretextual Traffic Stops

Summary

This bill prohibits motor vehicle stops related to registration, inspection and repair, equipment and motor vehicle operation when the law enforcement officer suspects that an occupant is engaging in unrelated criminal activity. In a subsequent criminal proceeding the bill prohibits the use of evidence of criminal activity obtained from the motor vehicle stop.

Testimony

1. Representative Morales sponsored the bill and testified in favor. Rep Morales testified in support of law enforcement policy that prioritizes public safety and ends the focus on minor traffic infractions that disproportionately impact poor people and Black, brown and Indigenous people. Rep Morales testimony provides statistics on vehicle and pedestrian stops, the presence of contraband, and percentages of Maine adult prison population that is Black and of Maine's juvenile facility population that is Black. Rep Morales discussed the US Supreme Court case of *Whren v. United States* which allowed pretextual traffic stops. Michael Kebede spoke in support for the ACLU of Maine, as did Jeremy Pratt for the Maine Association of Criminal Defense Lawyers, and Susan Rudalevige for the HopeGateWay United Methodist Church, Portland. Testimony was submitted online in support from Julia Brown of the Immigrant Legal Advocacy Project and Jan Collins for the Maine Prisoner Advocacy Coalition.

2. Testifying in opposition to the bill were Representative Christopher Johansen, Kathryn Slattery, York County District Attorney, Rebecca Graham for the Maine Municipal Association, Major Brian Scott for the Maine State Police, Chief Jared Mills for the Maine Chiefs of Police Association, Sheriff Robert Young for the Maine Sheriffs' Association.

Notes/Issues

1. Maine State police Major Brian Scott was asked about the distinction between a hunch and a reasonable articulable suspicion.
2. Senator Cyrway asked what other states have enacted laws prohibiting pretextual traffic stops and, if so, whether law enforcement officers have left employment as a result of the laws.
3. Representative Warren asked for data from the Justice Reinvestment Act study done in 2020. A copy of the report was emailed to members.
4. A link to the *Whren v. United States* US Supreme Court Case was emailed to members.