



January 28, 2020

HB 0083

Testimony from Olivia Naugle, Legislative Analyst, MPP, in support of HB 0083

Dear Chairman Clippinger, Vice Chair Atterbeary, and members of the Judiciary Committee:

My name is Olivia Naugle and I am a legislative analyst for the Marijuana Policy Project (MPP), the largest marijuana policy reform organization in the United States. MPP has been working to improve marijuana policies for more than 20 years; as a national organization, we have expertise on the approaches taken by different states. MPP is also the convening organization of the Maryland Cannabis Policy Coalition, a diverse group of organizations that is working to advance and sensible humane marijuana policies.

I am here today in support of HB 83, which would provide for the automatic expungement of court and police records relating to charges of possession of marijuana. This bill would dramatically improve the lives of individuals who are burdened with criminal records for marijuana possession. The bill would apply to charges that are disposed of by October 2020. Each marijuana possession records would be expunged either by October 2020 or by October 2028, depending on if there was an additional charge.

A criminal record for marijuana possession makes it more difficult to obtain a job, housing, and a college education. Unequal enforcement of marijuana laws means these collateral consequences disproportionately affect people of color. Prior to the state decriminalizing possession of 10 grams or less of marijuana in 2014, black Marylanders were 2.9 times more likely to be arrested for marijuana possession than were white Marylanders, despite similar usage rates.¹ And available evidence suggests that, although decriminalization helps by reducing the number of people who are criminalized, there continues to be a disparity in the remaining arrests. For example, *Baltimore Fishbowl* reported in 2018, that Baltimore police arrested 1,448 adults and 66 juveniles for cannabis possession during 2015, 2016, and 2017. Of those arrestees, 96% were African-American.²

¹ ACLU of Maryland, *The War on Marijuana in Black and White*, available at:

<https://www.aclu.org/report/report-war-marijuana-black-and-white>

² McLeod, Friedman, & Soderberg. "Structural Racism and Cannabis: Black Baltimoreans still disproportionately arrested for weed after decriminalization". *Baltimore Fishbowl*. Dec. 28, 2018, available at: <https://baltimorefishbowl.com/stories/structural-racism-and-cannabis-black-baltimoreans-still-disproportionately-arrested-for-weed-after-decriminalization>. It should be noted that the amount decriminalized by Maryland is lower than most other states that have implemented this policy; one ounce (28.3 grams).

HB 83 is an important and just reform that will allow those with a marijuana possession conviction to move on with their lives without suffering the harsh collateral consequences a conviction carries. This bill would make expungement of marijuana possession convictions automatic, rather than requiring the individual to file a petition or pay related fees — which can be a burdensome particularly to low-income residents.

I would like to commend the General Assembly for taking up the issue of cannabis legalization by implementing the marijuana legalization workgroup. Given the trends in polling, and the increasing recognition by elected officials on both sides of the aisle that criminalizing cannabis users has done more harm than good, ending marijuana prohibition in Maryland has become less a question of “if” and more about “when” and “how.”

Still, the longer the legislature waits to move forward with legalization, Marylanders are going to be subjected to the harms of cannabis prohibition. As the workgroup did not recommend moving forward with legalization this year, I encourage the legislature to enact HB 83 this session to reduce the harm done by Maryland’s cannabis laws. While there are a number of topics related to cannabis legalization the workgroup have not yet come to a consensus on, the criminal justice sub workgroup *did* come to a general consensus that prior convictions for marijuana-related crimes should be expungeable.

Elected officials in Maryland have already acknowledged the harm associated with criminalizing marijuana possession by taking steps to improve that failed and unjust policy. The state decriminalized cannabis in 2014, making possession of 10 grams or less punishable by a civil fine of \$100 rather than a criminal penalty and potential jail time. Just last year, Baltimore City State’s Attorney Marilyn Mosby announced that her office would no longer prosecute marijuana possession, regardless of amount.

As Maryland moves down the path of more sensible and just marijuana policies, it should also look back at remedying the harm that has been done by creating an easy pathway for those harmed to move forward with their lives. HB 83 achieves this goal.

Thank you Chairman Clippinger, and members of the committee for your time and attention. I respectfully urge a favorable report of HB 83.

If you have any questions or need additional information, I would be happy to help and can be reached at the number or email address below.

Sincerely,

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