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To: Luke Clippinger, Chair  
Vanessa E. Atterbeary, Vice Chair, and  
House Judiciary Committee

From: **Neill Franklin, on behalf of the  
Law Enforcement Action Partnership (LEAP)**

**Support - House Bill 550**

Criminal Law – Marijuana – Possession and Possession With Intent to  
Distribute

Hearing: Tuesday, February 11, 2020, 1:00 p.m.

Distinguished members of the Committee, thank you very much for the opportunity to present the views of Law Enforcement Against Prohibition (LEAP) in support of HB 550.

LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse evidence-based public safety solutions. Our mission is to make communities safer by focusing law enforcement resources on the most serious priorities, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and healing police-community relations. My colleagues and I at LEAP whole heartedly support HB 550 because it will continue to free up valuable law enforcement resources and bring Maryland up to par with 23 other states in the Union, such as Mississippi, regarding possession of marijuana amount thresholds.

Raising the possession amount threshold to one ounce in Maryland is not an issue of contention for Maryland citizens. According to a 2019 Goucher poll, fifty-seven percent of Maryland citizens believe that we should have a regulated and taxed system for adult use. Where there may be a difference in opinion is with some of my law enforcement peers regarding possession with intent to distribute, where under HB 550 possession of less than an ounce cannot solely constitute possession with intent to distribute.

I've spent 34 years in policing and most of my time as a Maryland State Trooper was spent working undercover, commanding drug task forces, or in criminal investigation. During all of my relative drug investigation training (Maryland State Police academy, advanced criminal investigation training, Drug Enforcement Administration Training, etc.) I was taught that in making a case for possession with intent to distribute drugs, to have other corroborating evidence; such as, packaging material, measuring devices, transaction notes, ledgers, etc., unless the amount was far beyond reasonable personal use amounts.

If you are wondering how this could be a problem, charging someone with possession with intent to distribute marijuana, solely on the amount alone, permit me to explain.

I currently offer my drug enforcement expertise to the Maryland Public Defenders Office, for citizens who cannot afford to hire expert witnesses as the affluent do. Since Maryland decriminalized possession of less than 10 grams of marijuana, possession with intent to distribute charges have risen in some Maryland jurisdictions. I have been consulted by the Public Defenders Office for many cases where the amount was under 10 grams and there was no other meaningful corroborating evidence, other than the marijuana being in multiple plastic baggies, and in each case the arrestee has been African American, or Latino. Most people who sell marijuana already have their product divided into small individual packages for transactional simplicity, which saves time. So, if the customer wants more than a one, or two-gram bag, he would need to purchase multiple packs.

It is for reasons such as this that it needs to be written into the law that a person may not be charged with possession with intent to distribute marijuana based solely on the possession of less than one ounce. As long as police officers are evaluated by the numbers of criminal arrests they make, we must do all that we can to prevent enforcement that is contrary to the spirit of the law.

HB 550 is the next best move for improving Maryland marijuana policy. In summation, it will reduce the squandering of police and prosecutor resources, free up detention center space for violent offenders, keep more citizens from entering our problematic criminal justice system, save taxpayer dollars and do more for equitable enforcement of the law. It is for these reasons and more that I and the many members of LEAP ask that you give a favorable report for HB 550.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Neill Franklin". The signature is cursive and somewhat stylized.

Major Neill Franklin (Ret.)

Executive Director

Formerly with the Maryland State Police and Baltimore Police Departments

\*This testimony does not necessarily represent the views of these departments.