



EXPANDING ACCESS TO JUSTICE FOR 40 YEARS

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF SB509: CRIMINAL LAW – DRUG PARAPHERNALIA FOR
ADMINISTRATION – DECRIMINALIZATION (with Sponsor Amendments)
FEBRUARY 16, 2022

Susan Francis
EXECUTIVE DIRECTOR

BOARD OF DIRECTORS Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 509.

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My name is Heather Heiman, and I am the Project Manager for the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY21, MVLS volunteers and staff lawyers provided legal services to 4,459 people across the state. In fiscal year 2017, MVLS started the Human Trafficking Prevention Project, a co-grant project through the Governor's Office of Crime, Control and Prevention with the University of Baltimore School of Law Human Trafficking Prevention Project Legal Clinic. For the reasons explained below, MVLS respectfully requests the committee return a favorable report on SB509 (with Sponsor Amendments).

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The Human Trafficking Prevention Project (HTPP) at MVLS is a pro bono project that provides post-conviction relief such as expungement, shielding, and vacatur as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are at high risk for exploitation. Since its inception, the HTPP at MVLS has served over 200 clients who were survivors of human trafficking or at high risk for exploitation, many of whom sought legal help with criminal record relief for drug-related charges and convictions, including possession of paraphernalia.

For many individuals the HTPP serves, substance use is both a common predictor of and reaction to their experiences of being trafficked. Many trafficking survivors report self-medicating to cope with past trauma and then being exploited as a result of their addiction or using substances as a way to cope with what has happened to them whilst being trafficked. Being able to receive and retain safe and sterile supplies, without fear of arrest for their possession, will improve the health outcomes of trafficking survivors and create further opportunities for their engagement with support services.

The broad understanding that drug supplies are illegal in Maryland, and fear of arrest and/or convictions for paraphernalia possession, creates additional barriers to trafficking survivor's seeking help from law enforcement. After an arrest and/or conviction for paraphernalia possession, trafficking survivors must then contend with the collateral consequences of involvement with the criminal justice

system and proactively seek criminal record relief, a process that is often acutely re-traumatizing for the survivor.

Through our expungement work, which is a vital part of the HTPP, MVLS has assisted a number of clients who faced the following scenario. The person is arrested on suspicion of drug possession, often due to having a mostly empty Ziploc bag, a used pipe, or even remnants of cigar paper discovered in a drawer or glove compartment. Despite the lack of evidence of actual drug possession, the prosecution moves forward with just a paraphernalia charge and drops the possession charge. The person then accepts a plea deal, pleading guilty to the paraphernalia charge. Despite the State not meeting their burden of proof that the individual actually possessed drugs, this person now has a drug-related criminal record that will follow them for ten years or more. These collateral consequences only serve to trap people in a cycle of abuse and poverty since a criminal record makes it harder to obtain housing or employment.

Senate Bill 509 (with Sponsor Amendments) would reduce this current harm by clarifying the law and lessen the risk of both criminalization of and negative health outcomes for trafficking survivors. MVLS supports Senate Bill 509 (with Sponsor Amendments). We respectfully urge a favorable report.

Mister Chair and members of the Committee, thank you again for the opportunity to testify.