

# **AmandaBassSeniorCitizens2.pdf**

Uploaded by: Amanda Bass

Position: FAV

FAVORABLE: SB 1075 and HB 1245

Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)

My name is Amada Bass, a resident of Harmony Hill Apartments in Aspen Hill, Maryland. I have seen firsthand from my window the devastating effects of drug abuse in our community, especially among our vulnerable senior citizens. Every day, we are surrounded by the sale and distribution of dangerous drugs like heroine and fentanyl. It is time for us to take a stand and demand stronger prosecution to protect our neighborhoods and our loved ones.

State Bills SB 1075 and HB 1245 are a crucial step towards addressing this epidemic. By strengthening criminal prosecution against those who profit from the distribution and sale of these harmful substances, we can make our streets safer and our communities healthier. I urge you to support this bill and send a clear message that drug dealers will face tough consequences in our state. Thank you for standing with us in this fight for a better future.

# **MCPA - MSA SB 1075-Fentanyl Penalties-Support.pdf**

Uploaded by: Andrea Mansfield

Position: FAV



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable Will Smith, Chair and  
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 5, 2024

RE: **SB 1075 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie’s Law)**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs’ Association (MSA) SUPPORT SB 1075. This bill would prohibit an individual from distributing heroin or fentanyl that results in the death or serious bodily injury of another. It increases the penalty for the distribution of fentanyl and fentanyl mixtures to not exceeding 20 years and would allow for the prosecution of a person to be brought in the County where the drug violation occurred or in the County where the death or serious injury from the drug occurred.

Substances cut or laced with fentanyl are now the leading cause of overdose deaths. What were once counterfeit pills taken by accident have grown into a market where individuals are purposefully making and dealing fentanyl pills and selling them to individuals who are willing purchase them. This legislation recognizes this new landscape and puts penalties in place to deter such behavior. Individuals who deal fentanyl know these pills may kill individuals, yet they are still very willing to sell them. As such, there should also be consequences for their actions.

Many times, fentanyl pills are bought in one jurisdiction and ingested in another. This cross jurisdictional matter could affect where charges are brought and where the prosecution occurs. This bill attempts to address these issues by allowing prosecution in either jurisdiction.

Families across Maryland have dealt with heartbreaking situations of loved ones dying due to fentanyl overdose. SB 1075 imposes accountability on the bad actors who deal fentanyl and provides justice for the family.

MCPA and MSA strongly SUPPORT SB 1075 and urge the Committee to give the bill a FAVORABLE report.

532 Baltimore Boulevard, Suite 308  
Westminster, Maryland 21157  
667-314-3216 / 667-314-3236

# **Kevin Testimony.pdf**

Uploaded by: Anita Puckett

Position: FAV

IN SUPPORT OF SB1075/HB1245 – DISTRIBUTION OF HEROIN OR FENTANYL  
CAUSING SERIOUS BODILY INJURY OR DEATH  
(VICTORIA AND SCOTTIE’S LAW [FENTANYL BILL])

My son Kevin, died from illicit fentanyl poisoning on July 27 2021 at the young age of 27. Kevin was a kind, bright, handsome, and hard-working young man whose life was cut short because a drug dealer sold him something other than what he intended to take. This is the very definition of poisoning.

Kevin suffered from substance use disorder (SUD), Kevin first started using heroin at the age of 18, went to rehabilitation centers several times, and had many months of sober time in the 9 years he was in the grasp of SUD. Kevin always wished to be recovered and whole and he never quit trying to achieve that. Kevin had not used heroin the last 2 years of his life. He was on methadone therapy for several months prior to entering a rehabilitation facility to get off of methadone (methadone was not a treatment course that helped Kevin and I do have strong opinions on it and how it is handled in Maryland, but that is for a different forum). When he left that facility, he went directly into a recovery home that was known to him and was a well-run home, which there aren’t many of in the state of Maryland. He was thriving at this home for almost a year when he relapsed. Kevin had not relapsed very long when he received 100% fentanyl instead of heroin. What Kevin wasn’t aware of is that in the almost 2 years that he hadn’t used heroin, illicit fentanyl flooded this country and totally infiltrated the heroin supply. All Kevin’s chances of recovery were stolen from him the night a criminal drug dealer, unknowingly to Kevin, gave him illicit fentanyl.

There was no investigation that I am aware of. In fact, detectives didn’t even bother to reach out to us with any questions. This is almost understandable when you consider that most DA’s in the state of MD do not want to prosecute these cases. My son is gone, but this dealer is likely still peddling their poison and actively murdering people with it. The dealers continue to murder with impunity because there is no deterrent to their actions. They are quite literally getting away with murder. All drug related deaths SHOULD be investigated and there must be strong laws put in place to prosecute dealers that sell this poison. I often wonder how many unknowing victims have been poisoned by this same drug dealer since they killed my son.

My husband and I lost our son, his sister and brother lost their sibling, his grandparents lost their grandson, and his nieces and nephews lost their uncle. There are no more memories to be made with Kevin, that was stolen from us. The baby of our family was poisoned by illicit fentanyl, supplied by a drug dealer that has no regard for human life. Our family has been devastated by Kevins death, and the fact that his case has not been investigated and the dealer not prosecuted adds to that devastation. My family, along with thousands of other Maryland families deserve justice for our children. Everyone matters or nobody matters, which is it? Marylanders need this bill to pass to save lives and receive justice for the senseless poisoning of our children, by criminal drug dealers. We are losing a whole generation to illicit fentanyl poisoning. Right now, Maryland politicians have an opportunity to support a bill that can help prevent the increasing deaths from this poison in our state. Maryland families need your support instead of the ongoing failure to hold these criminals responsible for their actions. Drug dealers should not be getting away with murder as they currently are in Maryland. Please pass this bill, make a positive step in protecting your constituents.

Sincerely,

Anita Puckett  
Cecil County, MD

**IN SUPPORT OF SB1075 - APRIL.pdf**

Uploaded by: April Babcock

Position: FAV



**LOST VOICES OF FENTANYL**  
The days of crying behind closed doors are over!

IN SUPPORT OF SB1075 – DISTRIBUTION OF HEROIN OR  
FENTANYL CAUSING SERIOUS BODILY INJURY OR DEATH (VICTORIA AND  
SCOTTIE’S LAW)

Dear Honorable Senate Committee Members,

My name is April Babcock, I lost my son Austen on January 26, 2019 to illicit fentanyl poisoning. My son will always be forever 25, his life was cut short because a drug dealer sold my son something that he did not even know he was buying, he was buying cocaine but received a deadly poison in the cocaine, fentanyl. When anyone disguises a harmful substance in anything for another person to consume without their knowledge and it causes death or harm that is the very definition of a poisoning. Even those who are seeking to buy illicit fentanyl that still does not imply there is a safe dose to take. Illicit fentanyl has no safe dose to consume. This is not the same as pharmaceutical fentanyl, illicit fentanyl is being made in the jungles of Mexico in 5-gallon drums by drug cartels or drug dealers here in their basements and there is absolutely no quality control like the fentanyl used for surgery or given for extreme pain



patients here in America. Overdose means there is a safe dose to take, you take too much of that safe dose and it causes death or harm. There is no safe dose of illicit drugs and dealing illicit drugs is illegal so my question to you is **why are drug dealers getting away with murder?**

My son paid the ultimate price with his life and dealers get to continue to walk the streets harming and killing Marylanders. Baltimore has the highest death toll in the nation per capita. This is disturbing and sickening. In a 12-month period ending in June of 2023, 183.2 deaths occurred per 100,000 people, more than double the second in the nation which is Philadelphia, and 87% of the deaths were attributed to illicit fentanyl. It is imperative that we get the dealers off our streets so people that do suffer with a substance use disorder have a chance of recovery and those that are first time, experimental and occasional users do not die. Our youth especially should have a chance to learn from mistakes and not die from them. This is a poison, illicit fentanyl is being cut into street drugs and fake pills are being made to mimic real pharmaceutical grade pills and no one can tell the difference. DEA now has stated that 7 out of every 10 pills contains a potential lethal dose of illicit fentanyl.

Accountability is key. Less than four months after my son was murdered the dealer who sold him fentanyl but told him it was cocaine, was arrested and charged with Felony Drug Crimes for possession of 11.47g of marijuana, 36.34 grams of cocaine, **5.57g of cocaine and fentanyl**, and 2.22 grams of heroin and fentanyl. All these drugs were packed for street sales. This guy was in possession of the same mixture that he had just killed my son with, and 5 grams of illicit fentanyl has the potential to kill 500 people. Zero regret for my son's loss of life! Now we Fast forward to September of 2019, another four months after being arrested for drug possession

he himself became a murder victim in the Eastern District of Baltimore. He was shot to death. If this person was in jail where he belonged, I do not even understand why he was let out of jail but he was...if he were behind bars where he belonged he himself would have had the opportunity to change his life. Without consequences there is zero reason to change. The government failed my son because we had no warnings, we had no idea anything about illicit fentanyl in 2019 yet it had been killing people since 2013 at alarming rates and the government failed the person that killed my son by letting him walk the streets after such crimes with no imprisonment time. Now he's just another murder victim himself. Drug dealers are killing one another over turf, and innocent people get killed too often. Marylanders deserve to feel safe and protected, and we are being failed by politicians. You are the ones that can change this.

All I wanted was to look the person that killed my child in the eyes and tell him what he took from me and my family and his friends. My life was flipped upside down. I've dedicated my time to saving lives and warning the public. We need this bill to pass to save lives. Marylanders deserve justice and right now we have zero justice.

Sincerely,

April Babcock founder

Lost Voices of Fentanyl Inc

Lvof.org



# **SB 1075 Support.pdf**

Uploaded by: Dawn Luedtke

Position: FAV



**MONTGOMERY COUNTY COUNCIL**  
ROCKVILLE, MARYLAND

DAWN LUEDTKE  
COUNCILMEMBER  
DISTRICT 7

March 4, 2024

The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

RE: Senate Bill 1075, *Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)*

Dear Chair Smith,

I urge the Committee to support Senate Bill 1075, Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law), which would increase the maximum imprisonment term to 20 years for someone convicted of selling drugs laced with fentanyl, heroin, or synthetic opioids that resulted in the buyer's death. The Bill would also allow for the prosecution of all individuals convicted in involvement in the distribution and delivery of the drug that resulted in the buyer's death.

Just two milligrams of fentanyl can be fatal and such doses are commonly tested and found mixed into otherwise legitimate appearing prescription pills as well as illicit nasal sprays and powders.<sup>1</sup> Overdose deaths due to fentanyl use present an urgent public health crisis that the State must provide every tool available - including more significant penalties for distribution of a deadly dose - to local jurisdictions as we attempt to deter and prevent further tragedy. While Montgomery County<sup>2</sup> and many other jurisdictions have pursued legal remedies against corporations that profited off of the opioid addiction and deaths of members of our community, we must do more to address the illicit drug market.

From January to June 2023, there were 2,202 unintentional fentanyl, heroin, or opioid related deaths in the State of Maryland and 126 in Montgomery County,<sup>3</sup> a number that continues

<sup>1</sup> <https://www.dea.gov/resources/facts-about-fentanyl>

<sup>2</sup> [https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=21829](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=21829)

<sup>3</sup> [https://health.maryland.gov/vsa/Documents/Overdose/Quarterly%20Reports/2023\\_Q2\\_IntoxReport.pdf](https://health.maryland.gov/vsa/Documents/Overdose/Quarterly%20Reports/2023_Q2_IntoxReport.pdf)

the marked upward trend of these overdoses in our communities since 2016 and yet another blaring warning sign that our laws and policies are not adequate to stem this epidemic or stop those who profit off it.

I'm grateful for the increased awareness of how to use Narcan to treat emergency overdoses, a significant and widespread initiative that the Montgomery County Council has consistently supported. This public health crisis impacts all of our communities, regardless of race, ethnicity, or socioeconomic status and it will require a holistic and collective effort to address it. Senate Bill 1075 recognizes this by maintaining immunity for any individual who acts as a good samaritan to seek or provide medical assistance for someone experiencing an overdose.

Please support this legislation for more effective deterrence and accountability for those who engage in the illicit drug trade or who are responsible for the death and addiction of far too many in our State and County.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Luedtke". The signature is stylized and cursive.

Dawn Luedtke  
Montgomery County Councilmember  
District 7

cc: Members of the Judicial Proceedings Committee

# **EdithMontalvan2.pdf**

Uploaded by: Edith Montalvan

Position: FAV

FAVORABLE: SB 1075 y HB 1245 Ley Penal - Distribución de Heroína o Fentanilo que Causa Lesiones Graves o Muerte (Ley Victoria y Scottie))

Mi nombre es Edith Montalvan y soy la madre de Ashleigh Edwards, una estudiante de 15 años de la escuela John F. Kennedy, quien lamentablemente falleció el 14 de enero de 2023 a causa de una sobredosis de fentanilo. Esta droga está causando estragos en nuestras comunidades y es importante que tomemos medidas para combatir esta crisis que está cobrando la vida de tantos jóvenes.

No hay dolor más grande para una madre que perder a su hijo, y mucho menos de esta manera tan trágica. La adicción es una enfermedad y nuestra comunidad inmigrante carece de los recursos y apoyo necesarios para ayudar a aquellos que se ven afectados por esta enfermedad.

Sin embargo, ustedes si pueden ayudarnos, endureciendo las leyes para frenar la venta y distribución de esta droga letal. Nadie va a devolverme a mi hija. Yo no pido castigo para los jóvenes consumidores. Mi punto aquí es que hagan lo que puedan para frenar la distribución y evitar otra víctima inocente como Ashleigh y otra madre desconsolada como yo.

Agradezco su atención y apoyo en nuestra lucha contra esta droga letal. Muchas gracias.

FAVORABLE: SB 1075 and HB 1245

Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)

My name is Edith Montalvan and I am the mother of Ashleigh Edwards, a 16-year-old student at John F. Kennedy School, who tragically passed away on January 14, 2023 due to a fentanyl overdose. This drug is wreaking havoc in our communities and it is important that we take action to combat this crisis that is claiming the lives of so many young people.

There is no greater pain for a mother than losing her child, much less in such a tragic way. Addiction is a disease, and our immigrant community lacks the necessary resources and support to help those affected by this disease.

However, you can help us by tightening the laws to curb the sale and distribution of this lethal drug. No one will bring my daughter back to me. I am not asking for punishment to consumers. My point here is that you do what you can to stop the distribution and prevent another innocent victim like Ashleigh and another grieving mother like me.

I appreciate your attention and support in our fight against this lethal drug. Thank you very much.



# **House Bill (HB) 1245 & Senate Bill (SB) 1075 Writt**

Uploaded by: Haven Shoemaker, Jr.

Position: FAV

HAVEN N. SHOEMAKER, JR.  
STATE'S ATTORNEY



410-386-2671  
[carrollcountystatesattorney.org](http://carrollcountystatesattorney.org)

### **House Bill (HB) 1245 & Senate Bill (SB) 1075**

#### **Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria<sup>1</sup> and Scottie's<sup>2</sup> Law)**

DATE : March 1, 2024  
COMMITTEE: House Judiciary & Senate Judicial Proceedings  
POSITION: FAVORABLE  
PURPORTED PURPOSE:

HB1245 and SB1075 creates a separate crime for dealing heroin or fentanyl or drugs laced with either that results in the death or serious bodily injury to another. These Bills would make it a felony to deal these deadly drugs and impose a penalty of up to 20 years imprisonment.

#### CURRENT STATE OF THE LAW REGARDING DEATH FROM DRUG DEALING

In *State v. Thomas*, 464 Md. 133 ( 2019), Maryland's highest court held a distributor of heroin may be convicted of gross negligence involuntary manslaughter if there is sufficient evidence to prove that the distributor's conduct was both the actual and legal cause of a buyer's fatal overdose. The Court further held that the evidence must be reviewed on a case-by-case basis to determine the degree of gross negligence required and whether a sufficient causal connection exists between such gross negligence and the fatal overdose of a buyer. *Id.* at 211. In order to convict a dealer under *Thomas*, a prosecutor has to prove that the dealer's actions were wanton and reckless because of the dangers inherent in the distribution and consumption of heroin of unknown potency carrying with it a high degree of risk to human life. *Id.* at 164-65, 169, 211.

The standard set forth in *Thomas* is an unreasonable standard. The factual scenario set forth in *Thomas* does not represent the vast majority of overdose deaths resulting from heroin and fentanyl distribution. Given the deadly nature of the threat of fentanyl, a legislative fix is needed, so pushers of this poison can be charged with more than mere drug distribution. Every time dealers sell heroin or fentanyl; they are playing Russian Roulette with the lives of their victims.

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<sup>1</sup> On May 25, 2022, Victoria Garofolo, of Hampstead, died of an overdose of drugs laced with fentanyl at the age of 18.

<sup>2</sup> On April 12, 2019, Scott D. "Scottie" Broadfoot, Jr., of Taneytown, died of a fentanyl overdose at the age of 21.

## FENTANYL FACTS

- According to the federal Drug Enforcement Administration (DEA), 2 milligrams (mgs) or 0.00007 ounces is enough to kill you; the average housefly weighs 12 milligrams.<sup>3</sup>
- Illicit fentanyl, primarily manufactured in foreign clandestine labs and smuggled into the United States through Mexico, is being distributed across the country and sold on the illegal drug market. Fentanyl is being mixed in with other illicit drugs to increase the potency of the drug, sold as powders and nasal sprays, and increasingly pressed into pills made to look like legitimate prescription opioids.<sup>4</sup>
- DEA analysis has found counterfeit pills ranging from .02 to 5.1 milligrams (more than twice the lethal dose) of fentanyl per tablet, and 42% of pills tested for fentanyl contained at least 2 mg of fentanyl, a potentially lethal dose.<sup>5</sup>
- According to the CDC, synthetic opioids (like fentanyl) are the primary driver of overdose deaths in the United States. Between January 31, 2020 and January 31, 2021 overdose deaths involving opioids rose 38.1%, and overdose deaths involving synthetic opioids (primarily illicitly manufactured fentanyl) rose 55.6%.<sup>6</sup>
- In Maryland last year there were 2,586 deadly overdoses and fentanyl was involved in nearly 80% of them.<sup>7</sup>
- Naloxone (Narcan), a medication designed to rapidly reverse the effects of an opioid overdose, however, higher doses of naloxone are needed to combat the new era of overdoses due to the more potent synthetic opioids such as fentanyl. In the past 4 mgs, or one dose, reversed the effects of an opioid during an overdose, now it can take up to 32 mgs, or 8 doses, to reverse a fentanyl overdose.

## PROVISIONS OF THE BILLS

- Provides a separate 20-year penalty for directly dealing heroin or fentanyl or drugs mixed with them or synthetic versions of heroin or fentanyl that results in death or serious bodily injury.
- The Bills provide no mandatory minimum, but in a recent Gonzales poll, 83% of Marylanders supported a 10-year mandatory sentence for such conduct.<sup>8</sup>
- Provides that anyone in the distribution chain may be prosecuted.
- Enables prosecution where the death or injury occurred or where the drugs were dealt.
- Contains a “Good Samaritan” provision for those who seek treatment for someone who is experiencing an overdose.

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<sup>3</sup> <https://www.jacksoncountycombat.com/818/Get-The-Fentanyl-Facts#seeit> (last visited February 26, 2024).

<sup>4</sup> <https://www.dea.gov/resources/facts-about-fentanyl#:~:text=Two%20milligrams%20of%20fentanyl%20can%20be%20lethal%20depending,mg%20of%20fentanyl%2C%20considered%20a%20potentially%20lethal%20dose> (last visited February 26, 2024)

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> <https://foxbaltimore.com/news/local/carroll-county-states-attorney-wants-to-get-tougher-on-drug-dealers> (last visited February 26, 2024).

<sup>8</sup> <https://htv-prod-media.s3.amazonaws.com/files/gonzales-poll-part-1-maryland-statewide-february-2024-65cb9fcf5b1e3.pdf> (last visited February 26, 2024).

HB1245 and SB1075 provide an additional tool to deter and prosecute the purveyors of deadly poison in the State of Maryland and I respectfully request a favorable report on both.

Haven N. Shoemaker, Jr.  
Carroll County State's Attorney

# IsisFlores2.pdf

Uploaded by: Isis Flores

Position: FAV

FAVORABLE: SB 1075 y HB 1245 Ley Penal - Distribución de Heroína o Fentanilo que Causa Lesiones Graves o Muerte (Ley Victoria y Scottie))

Buenas Tardes:

Mi nombre es Isis Flores, y quiero hablarles sobre la pérdida devastadora que hemos sufrido en nuestra familia. Yader Rosa Flores, mi hijo de 16 años, falleció a causa de una sobredosis de fentanilo el 10 de noviembre de 2022. Su partida dejó un vacío inmenso en nuestras vidas y nos llevó a descubrir la realidad de esta droga tan destructiva.

Hoy estoy aquí para ser la voz de tantas víctimas como Yader, quienes han perdido la vida a manos de narcotraficantes que distribuyen esta droga mortal en nuestras comunidades. Es necesario que se haga justicia por todos los jóvenes que han sido víctimas de esta tragedia.

Por eso, hago un llamado a los responsables de legislar en nuestro estado para que tomen medidas más estrictas contra aquellos que trafican y distribuyen fentanilo y heroína. Pedimos que se apliquen penas severas a estos criminales y que se brinde todo el apoyo necesario a las autoridades para detenerlos.

Es fundamental que se escuche la voz de las víctimas y que se actúe con determinación para acabar con este flagelo que está acabando con la vida de nuestros jóvenes. Como madre que ha sufrido esta tragedia, insto a que se cambie la ley y se persiga de manera incansable a los responsables de llevar este veneno a nuestras calles.

En nombre de Yader, un joven inocente que perdió la vida por esta cruel realidad, les pido su apoyo y acción. Confío en que juntos podremos hacer la diferencia y evitar que más familias sufran esta dolorosa pérdida. Gracias.

FAVORABLE: SB 1075 and HB 1245

Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)

Good afternoon:

My name is Isis Flores, and I want to talk to you about the devastating loss that we have suffered in our family. Yader Rosa Flores, my 16-year-old son, passed away due to a fentanyl overdose on November 10, 2022. His departure left a huge void in our lives and led us to discover the reality of this destructive drug.

Today I am here to be the voice of so many victims like Yader, who have lost their lives at the hands of drug dealers who distribute this deadly drug in our communities. It is necessary that justice be served for all the young people who have been victims of this tragedy.

That is why I call on those responsible for legislating in our state to take stricter measures against those who traffic and distribute fentanyl and heroin. We ask that severe penalties be applied to these criminals and that all necessary support be provided to the authorities to stop them.

It is essential that the voice of the victims be heard and that decisive action be taken to end this scourge that is taking the lives of our youth. As a mother who has suffered this tragedy, I urge that the law be changed and that those responsible for bringing this poison to our streets be relentlessly pursued.

In the name of Yader, an innocent young man who lost his life to this cruel reality, I ask for your support and action. I trust that together we can make a difference and prevent more families from experiencing this painful loss. Thank you.

# **SB1075\_HB1245 Victoria and Scotties law testimony**

Uploaded by: Jackie Long

Position: FAV



**Hello My Name is Jackie Long, I am from Baltimore Maryland.**

**I give testimony here today to speak for the passing of this bill,  
SB1075/HB1245 Victoria and Scottie's law.**

**I am the Mom of Ryan White. He was born on a super bowl #26  
Sunday, January 26 1992. We had a super bowl party planned all  
guests joined us at the hospital waiting for Ryan to be born.**

**Many years later, we watched football games together and  
celebrated the Baltimore Ravens take home a super bowl win,  
this picture here on my shirt was from that day.**

***when our families got together you always knew where Ryan  
was, just look to where all the kids where, he was right in the  
middle.***

***He loved life and his family.***

**My Son did not want to die. My son thought he recieved adderall  
( or cocaine). He was given a drug with illicit Fentanyl he and his  
girlfriend were poisoned to death that day before Thanksgiving in  
November 2022. We had plans in place but never got to make  
any of them, his chance to survive all of it was taken from him!**

**How many families have been shattered by that same distributor  
of death, distributor of fentynal laced drugs that poisoned my  
son and his girlfriend.**

**We must stand together and bring justice for all. We need to**

**hold those who distribute fentanyl accountable for murder. It is Drug Induced Homicide.**

**I'm here to be a voice for my son, for Stephanie and the hundreds of thousands who have lost loved ones due to the distribution of drugs mixed with or only is illicit fentanyl and bring change to give our judiciary system the tools they need to take the action for strict sentences, the maximum. WE need this bill to pass to hold those accountable.**

**This bill was read 32 days ago on February 2. My son would have been 32 years old this year. I am taking that as a sign that my son is showing us we are doing the right thing and I ask you to do the right thing and pass this bill.**

**Thank you for your time. Ryan's Mom He is forever 30!**

**2024-03-01 SB 1075 (Support).pdf**

Uploaded by: Jared Albert

Position: FAV

CANDACE McLAREN LANHAM  
*Chief Deputy Attorney General*



**ANTHONY G. BROWN**  
*Attorney General*

CHRISTIAN E. BARRERA  
*Chief Operating Officer*

ZENITA WICKHAM HURLEY  
*Chief, Equity, Policy, and Engagement*

CAROLYN A. QUATTROCKI  
*Deputy Attorney General*

LEONARD HOWIE  
*Deputy Attorney General*

PETER V. BERNS  
*General Counsel*

STATE OF MARYLAND  
**OFFICE OF THE ATTORNEY GENERAL**

WRITER'S DIRECT DIAL NO  
(410) 576-6581

March 1, 2024

TO: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

FROM: Jared Albert, Assistant Attorney General  
Deputy Division Chief, Criminal Division, Office of the Attorney General

RE: SB 1075 – Criminal Law – Distribution of Heroin or Fentanyl Causing  
Serious Bodily Injury or Death (Victoria and Scottie's Law) – **SUPPORT**

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The Office of the Attorney General supports Senate Bill 1075 and urges a favorable report. This bill creates a new criminal offense for distributing heroin or fentanyl, or a chemical analogue of those, "the use of which results in the death or serious bodily injury of another." The offense is a felony which carries a sentence of up to 20 years which must be consecutive to any other sentence.

This bill would be an important tool in how we address the opioid epidemic. As of 2019, according to data from the Prescription Drug Abuse Policy System, 24 states and the federal government have laws which punish the distribution or delivery of drugs which result in a death. See <https://pdaps.org/datasets/drug-induced-homicide-1529945480-1549313265-1559075032>.

The most recent overdose data from the Maryland Department of Health is from 2021. See [https://health.maryland.gov/vsa/Documents/Overdose/2021\\_AnnualIntoxDeathReport.pdf](https://health.maryland.gov/vsa/Documents/Overdose/2021_AnnualIntoxDeathReport.pdf). That data shows that in 2021, there were 2,507 opioid-related overdose deaths in Maryland. This number is more than four times higher than the number of overdose deaths in 2012 (which was

648). The major driving force in this increase is the proliferation of fentanyl. Indeed, in 2021, of the 2,507 opioid-related deaths, 2,344, or 93.5%, involved fentanyl.

This bill allows Maryland to join 24 states and the federal government, including neighbors such as Pennsylvania, Delaware, and the District of Columbia, in making it illegal to distribute heroin or fentanyl, or a chemical analogue of those, the use of which results in the death or serious bodily injury of another. It should be noted that the federal version is punishable by a 20-year mandatory minimum. *See* 21 U.S.C. § 841(b).

In light of the severity of the opioid epidemic in Maryland, we need another tool at our disposal to seek justice for those who die from fatal overdoses. Most of the time, there is insufficient evidence to determine who distributed the drugs that the victim took which resulted in his/her death. However, when we are able to pinpoint who sold the drugs that led to the victim losing his/her life, the person who distributed those drugs should be subject to punishment above and beyond the ordinary punishment for selling drugs or possessing drugs with the intention to distribute them. This bill will bring greater accountability to those who sell these poisons within our communities and would provide a justified enhancement of the maximum sentence for those whose drug-distribution results in the death or serious bodily injury of another.

In *State v. Patrick Joseph Thomas*, 464 Md. 133, 180 (2019), the Supreme Court of Maryland, in a 4-3 opinion, affirmed a conviction for manslaughter for a Worcester County man who distributed heroin which caused a fatal overdose. However, in light of the narrow holding in *Thomas*, and in light of the limited 10-year penalty for manslaughter, *see* Maryland Annotated Code, Criminal Law Article, Section 2-308, this bill provides a sorely needed new avenue to seek justice for fatal overdose victims.

For these reasons, the Office of the Attorney General urges a favorable report on Senate Bill 1075.

cc: Committee Members

**Jaymi Sterling SB1075 Letter in Favor.pdf**

Uploaded by: Jaymi Sterling

Position: FAV

# OFFICE OF THE STATE'S ATTORNEY

JAYMI STERLING  
STATE'S ATTORNEY



CIRCUIT COURT  
DIVISION

ST. MARY'S COUNTY, MARYLAND

March 4, 2024

The Honorable William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
11 Bladen Street  
Annapolis, Maryland 21401

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

As the State's Attorney for St. Mary's County, I write in strong support of SB1075—Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law). My office prosecutes offenses, including all violations of controlled dangerous substance laws and crimes against persons.

Fentanyl-related deaths have increased between 2017-2021 from 1,594 to 2,344—an alarming 47% increase over the five-year period.<sup>1</sup>

In comparison, in 2021, there were 524 motor vehicle fatalities<sup>2</sup> and 649 total murders.<sup>3 4</sup> The combined number of people killed by motor vehicles (524) and all total murders (649) is 1,173 total decedents. This means that Marylanders are 113.725% more likely to die from overdose by opioids than by any other type of murder or by motor vehicle fatality.

If you look purely at the raw data, in 2021, 649 people were murdered, 524 people were killed in a motor vehicle collision, and 2,507 people died as a result of an opioid overdose death. If you added the total number of people murdered (649) with the total number of people killed in a motor vehicle collision (524) and then doubled that number (2,346), that total number of deaths is still less than the opioid-related overdose deaths (2,507).

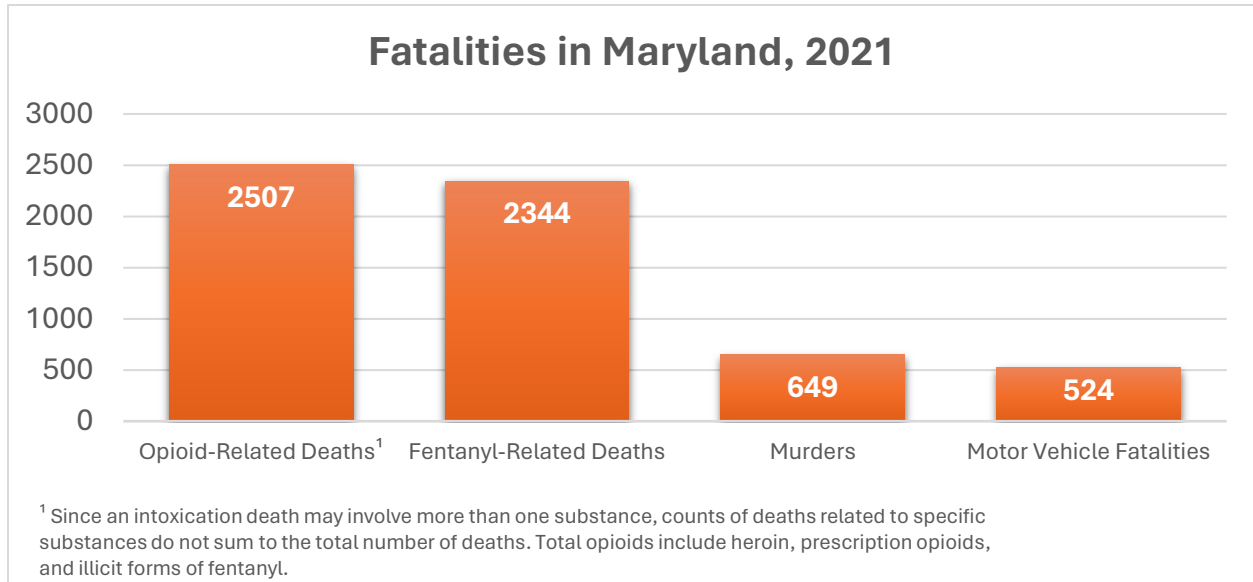
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<sup>1</sup> Maryland Department of Health Vital Statistics Administration, Unintentional Drug- and Alcohol-Related Intoxication Deaths in Maryland, 2021, Opioid-Related Deaths, Number of Unintentional Opioid-Related Deaths Occurring in Maryland by Substance, 2012-2021: [https://health.maryland.gov/vsa/Documents/Overdose/2021\\_AnnualIntoxDeathReport.pdf](https://health.maryland.gov/vsa/Documents/Overdose/2021_AnnualIntoxDeathReport.pdf)

<sup>2</sup> Maryland Department of Transportation, Highway Safety Office, Statewide Crash Summary Fatal Crashes, 2020: <https://zerodeathsmd.gov/resources/crashdata/>

<sup>3</sup> Maryland Department of State Police, 2021 Uniform Crime Report, Summary Crime Index Offenses, Murder: <https://mdsp.maryland.gov/Document%20Downloads/2021%20Crime%20In%20Maryland%20Book-3.pdf>

<sup>4</sup> "Total murders" to include murder by firearms, knives, poison, weapons, strangulation, and every related murder category with the exception of homicide by motor vehicle or overdose death.



And yet, Maryland currently has no law that holds the distributors of these poisons accountable when those actions result in the death of another.

Although some states, such as neighboring Pennsylvania, and the federal government, have enacted laws to address specifically the distribution of opioid drugs resulting in death, Maryland lags behind. This is in spite of the fact that **Maryland has the 11<sup>th</sup> highest opioid overdose death rate in the nation as of 2021.**<sup>5</sup>

SB1075 is a strong step in the right direction to ensure that those distributors of fentanyl and heroin are held responsible for the loss of life resulting from their criminal actions. It will bring a measure of justice to the family members of those lost to this deadly epidemic.

I have been an ardent advocate and fierce supporter of trying to strike the right balance and finding the right solution to take on this epidemic for nearly a decade – I strongly urge a favorable report on SB1075.

Respectfully,

Jaymi Sterling  
State's Attorney for St. Mary's County

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<sup>5</sup> The last year for which statistics are available, according to the CDC:  
[https://www.cdc.gov/nchs/pressroom/sosmap/drug\\_poisoning\\_mortality/drug\\_poisoning.htm](https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm)



**SB1075VictoriaScottiesLaw.pdf**

Uploaded by: Justin Ready

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

March 5, 2024

**SB 1075 – Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie’s Law)**

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

This bill seeks to create a new crime for the distribution of heroin or fentanyl which results in the death or serious bodily injury of another, which carries a maximum sentence of 20 years in imprisonment. In the bill, “distribute” does NOT include the sharing of heroin or fentanyl without remuneration or the exchange of goods or services. This bill is strictly targeting drug dealers who sell heroin or fentanyl to others.

Under current law, in most cases, outside of charging a drug dealer with “distributing a controlled dangerous substance,” it is almost impossible for State’s Attorneys to hold a drug dealer accountable for selling a lethal product.

Additionally, this bill includes a good Samaritan provision. A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person experiencing a medical emergency after using heroin or fentanyl is immune from criminal prosecution under the bill if evidence for the criminal prosecution was obtained solely as a result of medical assistance being conducted.

This bipartisan, common-sense legislation is a much needed change to allow prosecutors to hold those accountable who knowingly sell poison to the public, resulting in the death of around 200 people across the United States every day. Over 30 states including California have already passed similar legislation that holds drug dealers accountable when they sell a lethal product that kills someone.

I respectfully request a favorable report on Senate Bill 1075.

# **Legislative Testimony SB1075 Davidov.pdf**

Uploaded by: Lieutenant Peter Davidov

Position: FAV

## Written Testimony Lt. Peter Davidov, MCPD

### SB 1075 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie’s Law)

#### Montgomery County Opioid Overdoses: Year-End

- Please note opioid overdose data only includes fatal and non-fatal overdoses that MCPD Special investigations Division personnel were notified of.
- Includes victims of all ages.
- Includes overdoses that occurred between January 1 and December 31, each year.
- 2023 fatal overdoses may include suspected incidents with toxicology reports pending- these numbers may change.

Overdoses Year-End	2015	2016	2017	2018	2019	2020	2021	2022	2023	Percent Change 2022-2023
Fatal	51	60	70	46	65	90	109	81	96	+19%
Non-Fatal	56	154	157	131	125	171	240	190	250	+32%
<b>Grand Total</b>	<b>107</b>	<b>214</b>	<b>227</b>	<b>177</b>	<b>190</b>	<b>261</b>	<b>349</b>	<b>271</b>	<b>346</b>	<b>+28%</b>

#### Montgomery County Youth Opioid Overdoses: Year-End

- Please note youth opioid overdose data only includes fatal and non-fatal overdoses that MCPD Special investigations Division personnel were notified of.
- Includes victims under the age of 21 years.
- Includes overdoses that occurred between January 1 and December 31, each year.
- 2023 fatal overdoses may include suspected incidents with toxicology reports pending- these numbers may change.

<b>Youth Overdoses Year-End</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Percent Change 2022-2023</b>
Fatal	1	1	0	1	2	3	5	11	11	-----
Non-Fatal	2	0	0	0	1	14	22	37	86	<b>+132%</b>
<b>Grand Total</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>17</b>	<b>27</b>	<b>48</b>	<b>97</b>	<b>+102%</b>

My name is Lt. Peter Davidov. I am the Deputy Director of the Special Investigations Division of the Montgomery County Police Department. I am also here as a father who lost his stepson to Fentanyl poisoning less than a year ago. Beginning in 2016 we have seen changes in drug culture and the increasing prevalence of fentanyl in illegally sold drugs. This has resulted in a vast increase in overdoses compared to 2015 when fentanyl wasn't prevalent. We are seeing overdoses including fatal overdoses all too frequently. People from all walks of life are falling prey to addiction and death. Current legislation was not designed to address this level of damage to our community. Particularly disturbing, is the increase in youth overdoses. MCPD defines youth overdoses as those under 21. In 2015 we had a total of 3 youth overdoses in Montgomery County with one being fatal. By 2022 they had risen to 48 with 11 fatal overdoses. In 2023 we have 97 youth overdoses including 11 fatal overdoses. That is an 102% increase in just one year. Fentanyl has taken over the illicit pill market. It is shaped to look like prescription opioids such as Percocet or Adderall and is indistinguishable from legitimate pharmaceuticals. It is also being found in other street drugs such as cannabis and cocaine. Data from the DEA indicates that 2 of every 5 fentanyl pills contains a potentially lethal dose. By 2022, Fentanyl, measured by units of doses, represented 78.9 % of seizures in the HIDTA region encompassing Maryland. Investigations show that dealers know that they are selling fentanyl to users who unbelievably are actively seeking fentanyl to get high. Community education and efforts and the introduction of NARCAN

(Nalaxone) have saved some lives but they by themselves cannot stem this tide. Individuals who purvey fentanyl face stiffer penalties for drug distribution than they do for their product taking someone's life. This legislation will allow for penalties appropriate to the crime and allow for the prosecution of multiple levels of drug dealers when they sell a product causes death and injury. Please give us the tools that we as law enforcement need to deter this behavior and hold those who make life so cheap accountable. For these reasons, the Montgomery County Police Department requests a **FAVORABLE** Report on SB 1075. Thank you.

# Speech.pdf

Uploaded by: Linda Lee Hickerson

Position: FAV

Good afternoon ladies and gentlemen,

I submit to you my written testimony in consideration and support of the bill before you for your approval.

My name is Linda Lee Hickerson, and I am looking for your support for Bill SB1075/HB1245 is entitled Victoria and Scottie's law. My great nephew Scott "Scottie" Broadfoot, Jr. was a victim of fentanyl poisoning who died at the age of 21. Gone too soon, dearly loved, missed and never forgotten. Sadly, this is the first of many testimonies you will read and hear today, so I pray you understand how desperately we need this law so that our law enforcement, prosecutors and judges can have the support they need to be able to take these murderers to court, sentence them and provide much deserved justice for the families. The use of this drug is at epidemic proportions and the number of deaths attributed to it is alarming and still climbing. I stood with Scott as he read the autopsy report of his firstborn seeing not one but two types of fentanyl in Scottie's system. Research shows Fentanyl the size of a salt or sugar crystal can kill. He had struggled with substance abuse but didn't deserved to die. He was given tainted drugs putting an end to his short life. So lets call it what it was. Murder. And someone should have to pay for his death with their freedom. You have the power to effect change. This law will provide consequences and repercussions where there are currently none in place. My niece, nephew and so many others have not received justice and yet those who distributed this deadly drug are free to live their lives and continue to be a menace to society. My niece and nephew will never forget getting that knock on the door from the police in the wee hours of the morning hearing the tragic and devastating news of Scottie's death. Scott has used his grief, turning it into motivation for energy to fight this battle when many may just give up and move on with their lives. But Scott has proven to be a warrior in this battle, so I implore you to join forces with him and so many others grieving the loss of their loved ones.

My sincere thanks to Delegate Chris Tomlinson and Senator Justin Ready for their amazing support in presenting this bill! The need for this law is greatly needed for the safety of our citizens. Please, put your signature of support to pass this bill. Lives depend on it.

Thank you! Linda Lee Hickerson



**SB 1075 - MoCo\_Elrich\_FAV (GA 24).pdf**

Uploaded by: Marc Elrich

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

March 5, 2024

TO: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

FROM: Marc Elrich  
County Executive

RE: Senate Bill 1075, *Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie’s Law)*  
Support

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I am writing to express my support for Senate Bill 1075, *Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie’s Law)*. The bill would prohibit an individual from distributing heroin or fentanyl that results in the death or serious bodily injury to another. The penalty upon conviction would increase from 10 years in jail to up to 20 years in jail- in alignment with federal law. The bill would further allow for the prosecution of a person to be brought in either the County where the drug violation occurred or in the County where the death or serious injury from the drug occurred.

Like the rest of the United States, Montgomery County has seen an increase in fentanyl overdose deaths that have had a heartbreaking impact on many families in our communities. According to the Centers for Disease Control and Prevention, more than 112,000 people died in the United States in 2023 of drug overdoses and poisonings, with almost 70% of those deaths attributed to synthetic opioids like fentanyl. It is no wonder. The Drug Enforcement Administration reports that fentanyl is approximately 50 times more potent than heroin and 100 times stronger than morphine.

This is a serious issue, and individuals trafficking in deadly synthetic opioids must understand there will be criminal penalties for being involved in the distribution of what can lead to a fentanyl-induced death or serious bodily injury. To be clear, however, the overdose crisis is complicated and will require more than enhanced penalties to deal with it. I would urge that in addition to this penalties legislation, that the State continue to focus on substance abuse disorder efforts including expanding medication-assisted treatment, enhanced linkages to care, and increased funding for counseling and behavioral therapy. Maryland families deserve that.

To that end, I urge that the Committee adopt a favorable report on Senate Bill 1075.

cc: Members of the Judicial Proceedings Committee

# **NFG statement for fentanyl penalties bill.pdf**

Uploaded by: Natali Fani-González

Position: FAV

NATALI FANI-GONZÁLEZ  
COUNCILMEMBER, DISTRICT 6

100 Maryland Ave  
Rockville, MD 20850

CHAIR  
Economic Development Committee (ECON)

MEMBER  
Planning, Housing and Parks Committee (PHP)



**MONTGOMERY COUNTY COUNCIL**  
ROCKVILLE, MARYLAND

**FAVORABLE**  
**SB 1075 and HB 1245**  
**Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death**  
**(Victoria and Scottie's Law)**

March 1, 2024

Chair and Members of the Committee:

My name is Natali Fani-González, and I am a Councilmember in Montgomery County. I am here to speak **in support of SB 1075 and its companion HB 1245: Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)**.

I represent a very diverse district in Montgomery County in terms of socio-economics. It includes my hometown in Wheaton and the areas of Aspen Hill, Glenmont, Forest Glen and Rockville. I am here today with my neighbors and local businessowners urging you to please support and do everything in your power to pass this bipartisan bill. The legislation would allow the prosecution of the sale of fentanyl or heroin distribution that resulted in the death or serious bodily harm of an individual in the same jurisdiction, even if the sale and death don't occur in the same jurisdiction. The legislation would not penalize individuals with behavioral and mental health conditions, those helping under Good Samaritan law principles, individuals providing medical assistance, or those distributing the drugs without monetary gain or payment.

In Montgomery County, we are providing several prevention-focused initiatives intended to help youth and young adults avoid opioids and other substances altogether, including treatment centers for youth with substance-use disorder, but that is not enough. We need to update our criminal procedures to go after those selling these drugs and killing our children. Senate Bill 1075 and its companion HB 1245 represent a crucial step in holding drug distributors accountable and preventing further tragedies caused by these dangerous substances.

Thank you for your time.

Sincerely,

Natali Fani-González  
Chair, Economic Development Committee

# **RobertaVieira2.pdf**

Uploaded by: Roberta Vieira

Position: FAV

FAVORABLE: SB 1075 and HB 1245

Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)

My name is Roberta Vieira, and I am a small business owner in Wheaton, Md. Over the past few years, my business has been robbed four times. Every other day, shoplifters hit my business and products are picked up from the shelves, these individuals are addicted to heroin and Fentanyl and the police is not able to able to apprehend them.

These crimes have not only caused me financial strain but also emotional distress. I fully support State Bill SB 1075 and HB 1245, which aims to strengthen criminal prosecution against the sale and distribution of these deadly drugs in Maryland. I believe that this bill will help protect small business owners like myself and prevent further robberies and crimes committed by individuals under the influence of heroin and Fentanyl. Thank you for considering this crucial legislation.

# **Willens Fentanyl Testimony.pdf**

Uploaded by: Scott Willens

Position: FAV

Dear Maryland Assembly,

I have lost friends to substance abuse. Most were from liver cirrhosis as a complication of alcoholism, one was a fellow Army officer and veterinarian who overdosed on ketamine while deployed to Iraq together, and one was a family friend who overdosed on heroin. My understanding of the devastating effects of substance abuse may be grounded in significant scientific background, but that can never explain the emotional toll and senseless vacuum left in the loss of a loved one. I am grateful to have never lost a child or other immediate family member and cannot fathom that level of grief. I can only empathize as best as anyone with only tangential experiences can muster.

From the scientific standpoint, I have a DVM (Doctor of Veterinary Medicine) from University of Minnesota (1996), PhD in Comparative Biomedical Sciences (Pharmacology) from North Carolina State University (2005), and board certification in the American College of Veterinary Preventive Medicine (2013), a specialty that focuses on five core areas: Epidemiology and Biostatistics, Infectious and Parasitic Diseases, Environmental Health and Toxicology, Public Health Administration and Education, and Food Protection. In both clinical and in zoologic medicine, I have judiciously prescribed opioids, including fentanyl, and other controlled substances. With 27 years in clinical medicine and research, I have a deep appreciation for the impact of drugs and toxins at the cellular, tissue, organ, system, and organism levels.

I also retired from the United States Army as a Lieutenant Colonel with 20 years of active-duty service, including a 2007 Iraq War deployment and TS/SCI clearance. My subject matter expertise, including laboratory research, leadership, and policy, was exclusively in the medical chemical and biological defense arena, directly pertinent to the fentanyl crisis. My relevant positions included Co-Executive Secretary of the Defense Science Board Task Force on Countering Weapons of Mass Destruction as the Deputy Medical Director for the Deputy Assistant Secretary of Defense for Chemical and Biological Defense, Director of Research Programs for Walter Reed Army Institute of Research, Deputy Commander for U.S. Army Center for Environmental Health Research, Deputy Director for Grants Management for Congressionally Directed Medical Research Programs, and S3 (Chief of Operations and Plans) and Deputy Division Chief for Analytical Toxicology Division at U.S. Army Medical Research Institute of Chemical Defense.

Make no mistake, chemical warfare is being waged on us, on our children. Our adversaries, particularly China, are capitalizing on our porous border to facilitate trafficking, just as they are trafficking in persons and weapons, and emboldened gangs like MS-13. Emerging and re-emerging infectious diseases, including measles, whooping cough, tuberculosis, and leprosy, are likewise making their way across our southern border, and our overburdened health care, education, and criminal justice systems cannot handle the influx, as every state is now a border state. National security lessons learned from COVID-19 were never applied to our common biological and chemical defense as it pertains to illegal immigration.



Recent legalization of marijuana, demoralization and disrespect of law enforcement, and lax prosecution have further exacerbated an untenable situation for gateway abuse, a dumbing down of a pacified populace, and a slippery slope for decriminalization of harder drugs. Of course, the War on Drugs was never victorious because it was never successfully waged. As King Aragorn stated in *The Lord of the Rings: The Two Towers*, "Open war is upon you, whether you would risk it or not." The War on Drugs has been circumvented by our own government, encouraged by pharma, enabled by lazy and irresponsible physicians, and now actively dismissed by a woke agenda that prioritizes Diversity Equity and Inclusion concerns over law and order. For a generation that claims to be driven to "follow the science," I pray that the sanity of this legislation, grounded in both science and national security, will prevail. As a father, I pray for the future of my three children. The distributors of fentanyl and other deadly poisons are the final, if not the most culpable and personal, accomplices in a war that began on the other side of the world and ends in murder.

v/r

LTC (USA, Ret) Scott Willens, DVM, PhD, DACVPM

# **Testimony of Tammy Carper.pdf**

Uploaded by: Tammy Carper

Position: FAV

Testimony of Tammy Carper

1128 Wynbrook Rd. Glen Burnie, Md. 21060

In Support of SB1075 / HB1245

Victoria and Scottie's Law – Death by Distribution

Distribution of Heroin or Fentanyl Causing Bodily Injury or Death

On Thursday morning March 1 2018, I went in my son's bedroom to wake him for work and found him cold, pale and with blue lips. I immediately called 911. I was instructed to start CPR with chest compressions, which my brother did until the paramedics arrived. While I was on the phone with 911 operator asked me if I had Narcan which I did. I was told to squirt it into each of his nostrils. I did as instructed. I knew my son was already dead, as it just ran back out. Once the paramedics arrived within a few minutes he was pronounced deceased. I talked to the detectives handling his case and told them that I had a first name and location of the drug dealer. Also Devin's phone was confiscated, it was locked. Since I being the primary person on our phone plan I was able to pull phone records and print out the texting days and times. I also gave the detectives this information. Nothing was ever done about any of it. The detective stated to me that unless the drug dealer admitted selling my son the pill that took his life, there was nothing that could be done. I was also told that since my son's phone had a lock pin on it there was nothing they could do with it. Sadly my son became another statistic, his death certificate states he died of a accidental overdose. My son did not take a xanax knowing it contained Fentanyl , no body we know even ever heard of Fentanyl. He was poisoned to death.

I am testifying for this bill to be passed because drug dealers need to be held accountable for the death's of our loved ones.

The greatest benefit of this bill being passed will not only bring closure to the families of the loved ones, it will hold one accountable for their wrong doing of a crime.

Thank you very much,

Tammy Carper

# **SB1075 Draft Written Testimony Carroll County St**

Uploaded by: Tim Weber

Position: FAV

HAVEN N. SHOEMAKER, JR.  
STATE'S ATTORNEY



410-386-2671  
[carrollcountystatesattorney.org](http://carrollcountystatesattorney.org)

### **House Bill (HB) 1245 & Senate Bill (SB) 1075**

#### **Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria<sup>1</sup> and Scottie's<sup>2</sup> Law)**

DATE : March 5, 2024  
COMMITTEE: House Judiciary & Senate Judicial Proceedings  
POSITION: FAVORABLE

Dear Chairman and Committee Members:

I am writing to express my wholehearted support of Victoria and Scottie's Law and ask for a favorable report. My endorsement stems from two distinct perspectives, both of which highlight the urgent need for legislative measures to address the escalating fentanyl crisis.

In my professional capacity as the Community Education & Outreach Liaison for the Office of the State's Attorney in Carroll County, I witness firsthand the devastating impact of fentanyl on our community. My role involves assisting individuals entangled in the court system and aiding citizens grappling with substance use disorders, particularly those who have experienced overdoses. Shockingly, the prevalence of fentanyl-related incidents has surged dramatically since 2016. It is important to highlight that Naloxone may not consistently prove effective, and there might be an insufficient supply to mitigate the effects of fentanyl, especially considering that it may require up to three times the usual dosage used for heroin or other opiates. Among the individuals I encounter, a concerning majority are unknowingly using fentanyl, emphasizing the urgency of intervention.

The alarming rise in fatal overdoses attributed to fentanyl is another pressing concern. Tragically, those selling these lethal substances are fully aware of the nature of the drugs they distribute. This clear knowledge on their part demands a decisive response to curb the explosion of fentanyl in our community. Another common misunderstanding is that the individuals distributing fentanyl are also consumers of the deadly substance they sell. They are not users of this substance and this is due to their awareness of the fatal outcomes associated with fentanyl use. Therefore, I strongly advocate for the passage of the Bill currently under your consideration.

On a personal note, as someone in long-term recovery from a substance use disorder, I am acutely aware of the challenges posed by addiction. Having battled a 15-year addiction to heroin in the past, I can attest to the profound impact of being ensnared by substances that jeopardize one's life. In today's context, where fentanyl has become the primary substance in opioid addiction, the risks are even greater. Especially to unknowing victims of these fatal poisonings.

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During my struggle with substance dependency, I dealt with suppliers who, though not using the substances personally, deliberately provided me with heroin mixed with unidentified substances on a consistent basis. Today, the situation has escalated with fentanyl being the predominant drug of choice. I firmly believe that imposing substantial jail time for those trafficking in fentanyl that leads to a death can serve as a deterrent, particularly for individuals who do not use the drugs they sell.

There might be skepticism about why one would persist in helping those involved in illicit drug use. In response, I emphasize that my life's calling has been to save lives. Having been on the other side of the struggle, I have dedicated over two decades to actively contributing on the front lines, working towards positive change in my community. I am just one individual among many nationwide who remains unwavering in our commitment to this vital mission.

While deterrents may not dissuade those in the throes of addiction, they can potentially influence the behavior of those profiting from the sale of these dangerous substances. The proposed Bill, with its stringent penalties, has the potential to disrupt the supply chain of fentanyl and safeguard lives.

I appreciate your thoughtful consideration of this matter and your commitment to addressing the critical issue of fentanyl proliferation. Your support for Victoria and Scottie's Law is paramount in protecting our community from further harm.

Sincerely,

Tim Weber, CPP

Community Education & Outreach Liaison

Office of the State's Attorney

Tweber@carrollcountymd.gov

410-386-2671

# **NCADD-MD - 2024 SB 1075 UNF - Heroin and Fentanyl**

Uploaded by: Ann Ciekot

Position: UNF





**Senate Judicial Proceedings Committee**

**March 5, 2024**

**Senate Bill 1075 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)**

**Oppose**

NCADD-Maryland respectfully opposes the increased penalty proposed in Senate Bill 1075. The crisis of opioid overdoses is one we know the entire community is affected by and is trying to respond to. NCADD-Maryland appreciates that the intent of the sponsor and supporters of this bill is to help address this serious problem. For too many decades we have tried to arrest and prosecute our way out of drug addiction. And we have failed.

Instead of creating more and longer criminal penalties, we need a bigger and stronger array of positive tools in our work to address substance use disorders, provide better interventions, and reduce the demand for opioids and other drugs. In recent years, Maryland has made progress with things like making the life-saving drug naloxone more available, expanding syringe services programs, and certifying peer recovery specialists.

Another positive step was the creation of the state's Good Samaritan law. We are appreciative that the bill includes a small expansion of Good Samaritan. It is important that we do not inadvertently discourage people from calling 911 for help.

We are also appreciative that the bill has language intended to exclude the sharing of drugs in the definition of distribution. We are not, however, convinced it will be effective. When two people pool their money to purchase drugs to share, we believe law enforcement will still be able to arrest people by claiming that money changed hands.

We know the intent of this bill is to get to the higher level dealers. We know that in practice, this bill will be used to pile on charges to put pressure on people who also have substance use disorders, and will in effect lead to longer sentences for those who really need help. While the overdose crisis pulls at our hearts and we instinctively want to lock up people who sell drugs to our loved ones, we have to look at a long history that shows we cannot arrest our way out of the disease of addiction. This is true about the overdose crisis as well.

NCADD-Maryland a public health crisis demands a public health response, not a proposal for enhanced criminal penalties. There is much we can do together to reduce opioid overdoses and deaths. This proposal will not accomplish that goal.

We ask for an unfavorable report on Senate Bill 1075.

**SB 1075\_Drug-induced homicide\_BHSB\_UNFAVORABLE.pdf**

Uploaded by: Dan Rabbitt

Position: UNF



March 5, 2024

**Senate Judicial Proceedings Committee**

**TESTIMONY IN OPPOSITION**

*SB 1075 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death  
(Victoria and Scottie's Law)*

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 100,000 people with mental illness and substance use disorders (collectively referred to as "behavioral health") annually.

**Behavioral Health System Baltimore strongly opposes SB 1075 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law).** This punitive measure would only worsen the opioid epidemic in our state and result in more fatal overdoses. This approach is misguided, and we urge an unfavorable report.

The number of overdose deaths in Maryland has skyrocketed in the last ten years. About 2,500 people die of fatal overdose in the state every year, including 1,000 who die in Baltimore City.<sup>1</sup> Preventing this unconscionable loss of life must be the state's top priority.

Unfortunately, this bill will make our opioid epidemic worse. The enhanced penalties included in SB 1075 will have minimal effect on the availability of drugs or the composition of the drug supply. Punitive deterrents have been tried for over 50 years and have yet to deliver any evidence that they reduce drug use and its associated harms. What this bill will do is engender fear among people who use drugs. Stories of this legislation and any potential prosecutions will rightfully lead people who use drugs to be more cautious and reticent to come out of the shadows. It will reduce participation in harm reduction programming and reduce the likelihood that potentially reversible overdoses are reported. In short, it will result in more fatalities and more heartbreak for the loved ones of people who use drugs.

The bill attempts to provide some protection to individuals who share drugs without compensation and who report overdoses under Good Samaritan protections. These are appreciated but they will not prevent the chilling effect this bill will have on the likelihood that overdoses are reported.

Maryland needs evidence-based overdose prevention strategies, not failed strategies to criminalize our way out of the overdose epidemic. **BHSB urges the Senate Judicial Proceedings Committee to reject SB 1075.**

***For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142***

**References:**

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<sup>1</sup> Maryland's Overdose Data Dashboard, available at: <https://stopoverdose.maryland.gov/dashboard/>

**2024 - SB 1075 - written testimony.pdf**

Uploaded by: Jessie Dunleavy

Position: UNF

## **SB 1075, Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death**

**Position: UNFAVORABLE**

March 4, 2024

The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

Dear Senator Smith and members of the Judicial Proceedings Committee,

I am a lifelong resident of Maryland. I have a master's degree in library and information science and, after a forty year career, am now retired. Since my son's fatal overdose in 2017, I have devoted myself to drug policy research and have joined forces with other researchers, health care providers, medical associations, scientists, and advocates – all committed to evidence based strategies to address the surging death toll, which has seen the steepest annual increase since we declared it a crisis.

I am not in favor of SB 1075 because its premise is not supported by any evidence pointing to a positive outcome.

We all agree that the tragedy of lost lives, shattered families, and human suffering begs for change. Marching orders from every human rights and major health organization are clear. A *2023 United Nations Human Rights Report*<sup>1</sup>, for example, urges policymakers to, "move away from the current dominant focus on prohibition, repression and punishment, and instead embrace laws, policies and practices anchored in human rights and aimed at harm reduction."

The movement for comprehensive health-focused reform is gaining momentum and, with it, hope for the breakthrough needed to lower the death toll. But hope is diminished by new crime bills that call for harsh mandatory minimum sentences for individuals who sell or deliver a drug that causes or contributes to a death.

Slamming us squarely into the drug war mentality, these laws are put forth without reliable analysis of their effects on the harms of drug use. In fact, public health experts and addiction researchers warn that such action veers away from the evidence and will not reduce overdose or deter drug distribution, nor has increased imprisonment ever had an impact<sup>2</sup> on drug use or drug-related deaths.

Jennifer Carroll, a medical anthropologist at North Carolina State University, conducted a recent study<sup>3</sup> that found sweeps of drug dealer arrests actually drove up overdoses. Believing that criminalization

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<sup>1</sup><https://www.ohchr.org/en/press-releases/2023/09/end-overreliance-punitive-measures-address-drugs-problem-un-report>

<sup>2</sup><https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>

<sup>3</sup> <https://ajph.aphapublications.org/doi/10.2105/AJPH.2023.307291>

causes more harm than good, Dr. Carroll and fellow researchers published an analysis in the *American Criminal Law Review* explaining "Three Myths That Are Leaving Prosecutors Misinformed"<sup>4</sup>

Jonathan Caulkins, a specialist in systems analysis of problems pertaining to drugs, crime, terror, violence, and prevention at Carnegie Mellon University, concurs, "These laws aren't going to work because they're targeted at the wrong people." Going after people at the lowest end of the supply chain, leaving the original suppliers and drug ring leaders untouched, will result in longer sentences for mostly low-level dealers, particularly people of color, who may be selling to support their addictions.

Fair and Just Prosecution<sup>5</sup> expresses serious concerns that these laws: Exacerbate the risk of fatal overdoses; do not deter drug use or drug sales; often target friends and family rather than large-scale sellers; consume scarce criminal justice resources; and worsen racial disparities. In conclusion they recommend, "that prosecutors cease to seek these charges absent evidence of specific intent to kill," emphasizing the need for health and harm reduction approaches with the potential to save lives.

A new RAND report analyzing America's "opioid ecosystem" addresses concerns about harsh criminal penalties. Because illicit fentanyl is infiltrating so much of the drug supply, they maintain, both sellers and users are often unaware of what contaminants are present, suggesting that drug-related deaths can be the result of ignorance rather than malice.

The U.S. is the world leader in mass incarceration. As recently reported by The Sentencing Project<sup>6</sup>, "There are 2 million people in the nation's prisons and jails—a 500% increase over the last 40 years. Changes in sentencing law and policy, not changes in crime rates, explain most of this increase."

An *Inquest* article, Drug-Induced Panic<sup>7</sup>, co-authored by professor of Law and Health Sciences at Northeastern University, Leo Beletsky, states, "Despite all the evidence and the reality that these laws and prosecutions have become the de facto approach to this public health issue—while the actual, proven life-saving responses are ignored or dismissed."

Today's cry for increasingly harsh sentences for anyone who shares or supplies a drug without proof of malice is fueled by the crisis of skyrocketing overdose deaths and the intense pain of parents who lost a beloved child. I know their pain; I am one of them. And I, too, am impassioned by the gut-wrenching loss and a death that was entirely preventable. But I also know that higher numbers of arrests don't reduce drug use, and that there are people who share a drug with a friend without any idea of what that drug contains. Some people do deserve punitive consequences, but blanket laws with mandatory minimum sentences will not stop this crisis and will in fact exacerbate the suffering.

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<sup>4</sup>[https://www.law.georgetown.edu/american-criminal-law-review/wp-content/uploads/sites/15/2023/05/60-4\\_Drug-induced-homicides.pdf](https://www.law.georgetown.edu/american-criminal-law-review/wp-content/uploads/sites/15/2023/05/60-4_Drug-induced-homicides.pdf)

<sup>5</sup>[https://fairandjustprosecution.org/#:~:text=Fair%20and%20Just%20Prosecution%20\(FJP,%2C%20compassion%2C%20and%20fiscal%20responsibility.](https://fairandjustprosecution.org/#:~:text=Fair%20and%20Just%20Prosecution%20(FJP,%2C%20compassion%2C%20and%20fiscal%20responsibility.)

<sup>6</sup>[https://www.sentencingproject.org/research/?gad\\_source=1&gclid=EAIaIQobChMIkYy9h\\_KAhAMVgEhHAR3t7ADMEAAAYASAAEgL7jvD\\_BwE](https://www.sentencingproject.org/research/?gad_source=1&gclid=EAIaIQobChMIkYy9h_KAhAMVgEhHAR3t7ADMEAAAYASAAEgL7jvD_BwE)

<sup>7</sup> <https://inquest.org/drug-induced-panic/>

Lastly, let us remember that prohibition brought us the likes of fentanyl and the even more dangerous nitazenes now on our doorstep<sup>8</sup>, and until we come to our senses and end its failed policies, there will be hundreds of thousands more parents who join our ranks.

Respectfully submitted,

Jessie Dunleavy  
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<sup>8</sup>[https://www.cato.org/commentary/these-new-synthetic-opioids-could-make-fentanyl-crisis-look-good-old-days?utm\\_campaign=Cato%20Health%20Newsletter&utm\\_medium=email&\\_hsmi=291894099&\\_hsenc=p2ANqtz-9hPBnOqnqfqRFIHavNOwqcJalyLCD8GiW9bKi4fHT3Fcty8efLVdg3W52lSxypta9J36J9MzRQ2kqAMbbO4ypFVr6lw&utm\\_content=291894099&utm\\_source=hs\\_email](https://www.cato.org/commentary/these-new-synthetic-opioids-could-make-fentanyl-crisis-look-good-old-days?utm_campaign=Cato%20Health%20Newsletter&utm_medium=email&_hsmi=291894099&_hsenc=p2ANqtz-9hPBnOqnqfqRFIHavNOwqcJalyLCD8GiW9bKi4fHT3Fcty8efLVdg3W52lSxypta9J36J9MzRQ2kqAMbbO4ypFVr6lw&utm_content=291894099&utm_source=hs_email)

# **SB1075 Karnes Testimony.pdf**

Uploaded by: Lauren Karnes

Position: UNF





**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

**POSITION ON PROPOSED LEGISLATION**

**BILL: Senate Bill 1075 -Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 03/05/2024**

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 1075.

Senate Bill 1075 prohibits an individual from distributing heroin or fentanyl or a chemical analogue of heroin or fentanyl, the use of which results in the death or serious bodily injury of another; and generally relating to the distribution of controlled dangerous substances.

Members of the Committee, thank you for your time. My name is Lauren Karnes. I am a Certified Peer Recovery Specialist for the Maryland Office of the Public Defender. I identify as a person in long-term recovery from a substance use disorder and through my lived experiences, I assist OPD clients in obtaining recovery-based resources and navigating the judicial system. I am an advocate for clients whose voices struggle to be heard.

The opioid epidemic has left our state in a mode of crisis, affecting an astronomical amount of Maryland families. We urge you, as state officials, to enact lifesaving measures as a response. If Senate Bill 1075 goes into effect, it will do the exact opposite and charge many of the companions or loved ones of the injured and/or deceased, not only making it unjust, but also exacerbating the overdose crisis that has already devastated so many communities. Many of the prosecutions that will take place from Senate Bill 1075 passing will include co-users who are knowingly and willingly sharing the drugs, including friends and romantic partners. This will result in even more families being ripped apart, more children being left without one or both parents, and the jails becoming even more overpopulated than they already are with non-violent offenders.

Senate Bill 1075 does not differentiate between the individuals that are knowingly and willingly distributing these heroin and fentanyl products with the intent of causing bodily harm or death and the background individuals that are only in the grips of their addiction and innocently trying to avoid the unbearable feelings of drug withdrawal.

From experience, it is common for those in the active-addiction communities to live and use together. It is common practice for one or more people to bring the illicit substances back to the group, where community use will commence. It is imperative that these individuals with substance use disorders, living within these communities, be given the resources they need that assist in the treatment of their disease, instead of being jailed. Once incarcerated, many of the lifesaving programs and/or providers that are used to treat substance use disorders become unavailable. These programs are imperative for drug users to better understand their triggers and to learn how to effectively use their decision-making skills, as to avoid the unexpected and unfortunate outcomes such as injury and death due to overdose.

For these reasons, The Maryland Office of the Public Defender urges this committee to issue an unfavorable report on Senate Bill 1075.

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Lauren Karnes, CPRS / [Lauren.Karnes@maryland.gov](mailto:Lauren.Karnes@maryland.gov) / 443-822-1339**

**sb1075.pdf**

Uploaded by: Linda Miller

Position: UNF

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
AND PUBLIC AFFAIRS  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq., Staff  
410-260-1523  
**RE:** Senate Bill 1075  
Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily  
Injury or Death (Victoria and Scottie's Law)  
**DATE:** February 28, 2024  
(3/5)  
**POSITION:** Oppose

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The Maryland Judiciary has no position on the policy aims of this legislation and only opposes the provision on page 2, lines 28 through 30, which requires that a sentence imposed shall be consecutive. The Judiciary traditionally opposes legislation that includes mandatory provisions as they intrude on judicial discretion. The Judiciary believes it is important for judges to weigh the unique facts and circumstances for each individual case when imposing a sentence. Mandatory provisions prevent the judge from considering those unique factors. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Justin Ready  
Judicial Council  
Legislative Committee  
Kelley O'Connor

**SB1075.FINAL.pdf**

Uploaded by: T. Shekhinah Braveheart

Position: UNF



## TESTIMONY BY T. Shekhinah Braveheart

*Policy Associate, Justice Policy Institute*

[tbraveheart@justicepolicy.org](mailto:tbraveheart@justicepolicy.org)

### *Senate Bill 1075*

*Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death*

*(Victoria and Scottie's Law)*

*Tuesday, March 5, 2024*

Chairperson and committee members, thank you for your time on this critical issue. I am Shekhiñah Braveheart, a policy associate with the Justice Policy Institute (JPI). JPI is a national research and policy advocacy organization working with communities most impacted by crime and the criminal legal system to build better safety solutions. I am here today to testify in opposition to Senate Bill 1075, which does nothing to improve public safety, takes resources away from treatment and prevention, and disproportionately affects historically disadvantaged communities of color. This bill is a short-sighted response to an emotionally charged issue that is not grounded in evidence or best practices and ignores the large body of research that shows that longer sentences simply do not deter crime or improve public safety.

**SB1075 Is Not Public Safety Legislation.** Mass incarceration and shameful rates of racial disparity in Maryland were forged from the good intentions of improving public safety. Most of these policies, such as mandatory minimums and longer sentences, were blunt objects that had little relationship to the causes of crime and were passed in the wake of high-profile crimes with little time for careful debate. These policies did not make communities safer but instead destroyed lives. Research confirms [that long prison sentences do not deter crime; rather, the probability of being caught is the most significant deterrent](#). If longer prison sentences deter crime, then by that logic, the United States should be one of the safest places on the planet, as we possess one of the highest incarceration rates in the world. Without supporting evidence, policymakers continue down a failed path with efforts like SB1075, leaving gaping community investment needs unmet.

**Less Money for Treatment and Prevention.** [Every dollar invested in someone's treatment needs saves several dollars in the long term in crime, corrections, and community health costs, a far wiser investment than adding years to someone's sentence](#). If we continue to place such strong emphasis on reactionary punitive measures in our approach to public safety, it will continue to starve out

programs that address the root causes of criminal behavior through treatment and rehabilitation programs.

**Bills Like SB1075 Have Historically Been Felt Most in Black and Poor Communities.** The destructive consequences of mass incarceration are concentrated in neighborhoods chronically under-resourced and face many challenges, including a lack of educational and employment opportunities and high crime rates. Criminologist Todd Clear referred to the underlying strategy of mass incarceration as attempting to make communities safer through [“addition by subtraction.”](#) His research revealed that the disruption caused by aggressive arrest and incarceration patterns destabilized communities and can lead to *increasing* crime.

### **Investment Choices Matter**

JPI believes safe and healthy communities reflect intentional decisions by civic leaders and community stakeholders on where and what forms of resources to invest. [Our historically disadvantaged communities receive less for prevention and more for prosecution and prisons.](#)

A new report by JPI, [The Right Investment 2.0: How Maryland Can Create Safe and Healthy Communities](#), combines data from the Maryland Department of Public Safety and Correctional Services and the Baltimore Neighborhood Indicator Alliance, a research organization affiliated with the University of Baltimore, to reveal how neighborhoods with the highest number of residents in state prisons experience the lowest levels of community wellbeing as measured by an array of more than 60 indicators covering employment, education, health, housing and more.

The false hope that we will achieve public safety by continuing to make considerable investments in the criminal legal system discourages the innovation needed to address the root causes of drug abuse and crime. It is time for a novel approach that centers on the needs of those most impacted by addiction and the criminal legal system. I, therefore, request that the Committee chart a bold, evidence-based course for public safety. You may start by issuing an unfavorable report on SB 1075. Thank you for your service to our great state.

**SB 1075.pdf**

Uploaded by: Timothy Bradford

Position: UNF





**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: SB 1075**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 03/04/2024**

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 1075.

My name is Timothy Bradford and I am an Assistant Public Defender in Caroline County, Maryland.

I do not support this bill for multiple reasons. First, although paragraph a of this bill states that sharing without remuneration or exchange of goods is exempt from prosecution, later on in paragraph d, it states each person who distributes or delivers heroin or fentanyl can violate this section. It is not uncommon for those suffering from addiction to heroin or fentanyl to pool their money and have one person go buy drugs. Later on they meet and divide the drugs. The way this statute is written, it will show criminal liability to people that were not envisioned in the drafting of this piece of proposed legislation. Most of the time, the person who gives someone the drugs that lead to an overdose is not a drug dealer but rather a fellow addict.

Secondly, I oppose this bill because it takes a crime against a person and puts it in a controlled dangerous substance distribution statute. Currently, the Court of Appeals in Maryland recognizes gross negligence manslaughter for situations like this. *State v. Thomas*, 464 Md. 133 (2019). If the Senate disagrees with the level of proof or the penalty for manslaughter it should change that statute or make an exception such as vehicular manslaughter. As it doesn't make sense to put an exception to the manslaughter statute involving vehicles in the Transportation Article, it makes no sense to put this exception in the controlled dangerous substance section of the Criminal Article.

Finally, this bill in paragraph f, states that any sentence for violation of this bill shall be consecutive to any other provision of law. I am opposed to this because it takes away discretion from the Courts trying to fashion a fair and just sentence which varies from case to case.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 1075.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Timothy A. Bradford, Assistant Public Defender, 410-479-5756 ex. 105**

# **SB1075 - Unfavorable.pdf**

Uploaded by: Toni Torsch

Position: UNF



## Daniel Carl Torsch Foundation

New day. New beginning.

March 4, 2024

Maryland General Assembly

Senator William C. Smith

Chair, Judicial Proceedings Committee

RE: SB1075 - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death

Good Day Chair Smith and Committee Members.

My name is Toni Torsch, I am the Director of the Daniel Carl Torsch Foundation and in opposition to SB1075.

I am also the mother of a son who suffered a fatal drug overdose. I too was once angry and wanted someone, something to pay for what happened to my son. In those 13 years since his death, I have learned that additional laws will NOT deter anyone from using a legal or illegal drug. How many times can you be told that we can NOT arrest our way out of this crisis?

Our foundation has prevention, harm reduction and recovery service programs and in any given month, provide services to approximately 400 people. We have provided over 5000 doses of naloxone last year and saved hundreds of lives with those Narcan kits. Our treatment requests have risen 23% in one year. Do you know why we are finally starting to see slight decreases in fatal and non-fatal drug overdoses? It's organizations such as ours saturating the communities with harm reduction services and outreach.

We have made great strides in Maryland with prevention, awareness, treatment and recovery services. If this bill is passed, we will take steps backward. All the community will hear is that they will be charged with a felony crime, people who are overdosing will be left to die and you will see overdose numbers skyrocket.

Please help save lives and not create more of a crisis.

Thank you for your time and consideration. I respectfully request an unfavorable report on this bill.

Toni Torsch, Director

[dctfoundationinc@gmail.com](mailto:dctfoundationinc@gmail.com)

443-554-6150

*Mission: to provide assistance for substance abuse treatment and sober living; promote and provide overdose prevention programs.*