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POSITION ON PROPOSED LEGISLATION

BILL: HB 0260 Controlled Dangerous Substances and Firearms

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 21, 2025

The Maryland Office of the Public Defender supports House Bill 0260 which aims to reduce penalties for Possession of Drug Paraphernalia. Currently Maryland Criminal Law Article, Section 5-619 allows for a \$500 fine for a first offense and a 2 year jail sentence and/or a \$2000 fine for each subsequent offense and Maryland Criminal Law Article, Section 5-620 allows for a 4 year jail sentence and/or a \$25,000 fine. The Maryland Office of the Public Defender believes that HB 0260 will be beneficial to those suffering from addiction as well as the larger community. The taking away of the chance of incarceration from possessing drug paraphernalia as a first offender will cause those suffering from addiction to seek out and possess safer supplies which will help control the spread of HIV, hepatitis and other diseases. Furthermore, taking the threat of incarceration off the table for possession of drug paraphernalia reduces paraphernalia littering which affects the public at large. Those suffering from addiction drop paraphernalia in order to not be incarcerated if they get stopped from the police.

Any piece of legislation that takes away incarceration for a public safety issue, the Maryland Office of the Public Defender supports wholeheartedly. Addiction will not be solved by incarcerating people for drug charges which disproportionately impact people of color. The “war on drugs” has shown us this. Addiction will only be solved through treatment and not incarceration.

For these reasons, the Maryland Office of the Public Defender supports House Bill 0260.

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