

SUPPORT HB 83

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger and House Judiciary Committee
FROM: Phil Caroom, MAJR Executive Committee
DATE: January 28, 2020

Maryland Alliance for Justice Reform (MAJR) strongly supports HB 83 to permit expungement of previous convictions for simple possession of marijuana.

In 2012, the Maryland General Assembly acknowledged the legitimate medical uses of marijuana and legalized these. In 2014, similarly, the Maryland General Assembly acknowledged the minimal harm of personal use of small quantities of marijuana and decriminalized this. HB 83 acknowledges that Marylanders, who may have used marijuana for medical purposes and in small quantities, should not retain criminal stigma for what now is legal.

However, because police and prosecutors in previous years generally did not include the quantities in charges for simple possession of marijuana, HB 83 sensibly permits expungement of all such simple possession charges in due course.

In addition to this basic fairness, other evidence-based studies also support HB 83:

- 1) Studies show that “Fewer than 10 percent of those who try marijuana ever end up meeting the clinical criteria for dependence, whereas 32 percent of tobacco users and 15 percent of alcohol users do.” - [Marijuana Fact Book, Drug Policy Institute](#)
- 2) Statistically speaking, possession of marijuana is the leading edge of racially discriminatory law enforcement in the United States. In 2010, 52% of all drug arrests were for marijuana; of 8.2 million cases across the U.S., 88% were charged only with simple possession; and, despite similar rates of drug use, African-Americans were 3.73 times more likely than whites to be arrested for possession of marijuana. (See [“Marijuana Arrests by the Numbers” - ACLU.](#))
- 3) With time, Americans have realized that it is appropriate to decriminalize and remove marijuana from the “War on Drugs” with 67% of the public favoring decriminalization in 2019 — including 55% of Republicans. See [Pew research poll \(2019\).](#)

Thus, improved expungement of marijuana possession may offer substantial help for removing “collateral consequences” of unfair convictions for African-Americans who have been disproportionately impacted by the “War on Drugs.”

For all these reasons, MAJR urges a favorable report on HB 83.

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NOTE: Phil Caroom joins this testimony on behalf of the Maryland Alliance for Justice Reform executive committee and not on behalf of the Maryland Judiciary.