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January 28, 2020

Chair Luke Clippinger
Room 101
House Office Building
Annapolis, Maryland 21401

RE: House Bill 193: Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity

POSITION: Oppose

Dear Chair Clippinger and Members of the Judiciary Committee,

The Governor's Office of Crime Prevention, Youth, and Victim Services is providing this letter of opposition for House Bill 193: Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity.

This legislation would legalize possession of the following drugs; (1) 10 grams marijuana, (2) 300 milligrams of cocaine, (3) 300 milligrams of heroin, (4) five tablets off 3,4 methylenedioxymethamphetamine ("MDMA"), (5) five tablets of lysergic acid diethylamide ("LSD"), (6) 300 milligrams of methadone, and (7) 200 milligrams of amphetamine. Use or possession of the following drugs would be a civil offense punishable by a fine not to exceed \$100 for a first offense, \$250 for a second offense, and \$500 third or subsequent offense. By means of comparison, exceeding the speed limit by less than 10 miles per hour is a misdemeanor with a maximum fine of \$500.

In 2016, GOCCP supported the Justice Reinvestment Act. This act reduced the maximum term of imprisonment for simple possession from four years to one year for a first offense. More importantly, the JRA encourages diversion and treatment as the preferred option for low level offenders. Our office strongly supports the sequential intercept model for diverting offenders

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from the criminal justice system at the earliest appropriate time and supports and encourages drug courts.

However, we believe that this bill sends the wrong message and would implement the wrong policy. The State is in the midst of an opioid crisis, with deaths and nonfatal overdoses continuing to increase. There needs to be a criminal deterrent to using drugs. Further, the potential for incarceration is often a strong motivator for an addict to participate in treatment. If the only possible sanction is a negligible fine, it will be one less motivator for addicts to participate in treatment.

In 2014, Maryland decriminalized small amounts of marijuana. We do not yet know the consequences of doing this. To expand the decriminalization to other drugs would be a dangerous and irresponsible course of action.

For these reasons, the Governor's Office of Crime Prevention, Youth, and Victim Services opposes House Bill 193 and urges an unfavorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Fueston, Jr.", with a stylized flourish at the end.

V. Glenn Fueston, Jr.
Executive Director