



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and  
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 2, 2021

RE: **HB 488 Criminal Law – Use or Possession of a Controlled Dangerous  
Substance – De Minimis Quantity**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 488. This bill would decriminalize the use or possession of a de minimis quantity of specified controlled dangerous substances and treat it as a civil offense.

The quantities of drugs that would become decriminalized should this bill become law include multiple street level (user amount) doses of heroin, cocaine, methamphetamine, LSD and others. MCPA and MSA are very concerned this bill creates opportunity for an escalation in the continually rising overdose rates by increasing the availability of these drugs. Often the arrest experience is the intervention event that motivates an addict into the treatment process. HB 193 eliminates that incentive and creates the opportunity for an escalation in the number of overdose deaths, just as they are turning the corner in some jurisdictions.

Currently, if a user is contacted by police with less than 300 milligrams of heroin the individual is arrested and is taken to a holding facility to be processed which guarantees no overdose in the immediate future. The drugs are confiscated as evidence, which will result in their analysis and allow for detection of high potency drugs such as fentanyl (leading to a public warning and possibly to an investigation that would reduce overdose deaths from that batch). Once the person is entered into the criminal justice process, they will be offered opportunities to enter treatment through diversion programs. These programs include the opportunity, for those who qualify, to avoid the criminal charge by entering treatment programs that work in conjunction with the court system to help users break the cycle of addiction. None of those opportunities for individual intervention or detection of deadly drug batches would exist if HB 193 were to become law.

Instead, the individual would be issued a civil citation and the drugs would be confiscated. This would not stop the drug user from taking the drugs, it would merely delay the process. And it

would do nothing to introduce the user to treatment. The drug user's only motivation being to obtain the drug to avoid the withdrawal and get high, he or she would have to find the funds to return to the drug dealer and buy the drugs yet again. This would further enrich the drug dealer and put the user back in the cycle of possible overdose. It only takes one of those street level (user amount) doses to result in a fatal overdose.

The danger to public safety that is posed by the heroin that is being sold and consumed in our communities requires an all hands approach. The importance of law enforcement's ability to arrest for street level dose of these dangerous drugs is an important component to that approach and provides real, life-saving assistance to addicts and help to their friends and families who are suffering along with them.

For these reasons MCPA and MSA OPPOSE HB 488 and urge and UNFAVORABLE committee report.