



HB324- Support

January 18, 2021

Delegate Luke Clippinger
Chair, Judiciary Committee
House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Support for House Bill 324 – Criminal law – Marijuana – Possession and Possession With Intent to Distribute

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I stand in strong support of HB324, which, if passed, will increase the threshold for the civil offense of possession of marijuana less than ten grams to less than one ounce. My Office in January of 2019, announced it will no longer prosecute cannabis possession regardless of weight or criminal history. We are continuing to prosecute Cannabis Possession With the Intent to Distribute (PWID) and Distribution if the indicium of distribution exists, but any first time felony drug distribution defendants must now be referred by Assistant State's Attorneys to the AIM to B'More Diversion program.

Maryland has one of the lowest thresholds for possession of any of the forty-six states that have decriminalized or legalized cannabis. The only state with a lower threshold is Hawaii at three grams. Increasing the threshold from ten grams to one ounce would put Maryland on par with other states that have stopped prosecuting their residents for simple marijuana possession and would continue to allow for public safety as we know.

Even when my office prosecuted cannabis possession cases, there was no demonstrable public safety benefit gained. For example, since 2014 the BCSAO closed 1,128 District Court cases for simple cannabis possession. Seventy three of those individuals were found guilty, five not guilty, 49 cases were statted, and 1,001 (88%) cases were nolle prosequi. As a matter of consequence, no public safety benefit was seemingly gained in the overwhelming majority of these cases, yet they required the extensive use of limited city resources, including resources from not only the BCSAO but also resources from the Baltimore Police Department (BPD), the Department of Public Safety and Correctional Services (DPSCS) and the Baltimore City Circuit and District Courts.

While it is clear there is no public safety benefit in the enforcement of cannabis possession, there exists clear evidence that such enforcement disproportionately affects communities of color, especially in Maryland. In 2010, the American Civil Liberties Union (ACLU) found that Maryland's arrest rate for cannabis possession was the fourth highest in the Nation, and while Black people only comprised 30% of the State's population in 2010, 58% of those arrested for cannabis possession were Black. During this same time period, the ACLU found that Baltimore City had the largest rate of disparity among cannabis arrestees, with Black people being almost six times more likely to be arrested for cannabis possession than Whites.



Today, racial disparities regarding enforcement of cannabis laws continue to exist even where cannabis use has been legalized. In Colorado after legalization of cannabis for recreational use, there was a 51% decrease in Whites being arrested but only a 33% decrease for Latinx and a 25% decrease for Blacks. Comparatively, Washington State's post-legalization arrest rate for Blacks is double the arrest rate for others and a Black person in Washington, D.C. is 11 times more likely than a White person to be arrested for public consumption of marijuana.

And even with Maryland's October 1, 2014 decision to decriminalize possession of less than ten grams of cannabis to a civil infraction, racial disparities continue to exist in Baltimore City. According to Baltimore Police Department BPD records, in 2015 45 citations were issued and 39 of those were given to Black people (89%). In 2016, records indicate that BPD issued 199 citations for cannabis possession and 187 (94%) were issued to Black people. In 2017, BPD issued 431 citations for cannabis possession, where 410 (95%) were issued to Black people. Shockingly, approximately 42% of the aforementioned citations were issued in the Western District, where approximately 95% of the residents in this District are Black. When taken together, these statistics are incredibly alarming and elucidate the crisis of disparate treatment of Black people for cannabis possession and other offenses without any seeming regard for the possible adverse public health effects resulting from such enforcement.

In sum, arrests for simple cannabis possession are a drain on limited resources and produce no rehabilitative, deterrent or other public safety benefit. The scarcity of resources we all face in across our State is being wasted to deter a problem that is not threatening public safety.

I strongly urge a favorable report on HB324. This legislation is an important step forward in repairing the damage to communities across or state that have been disproportionately affected by the enforcement of cannabis possession laws.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is written in a cursive style with a large, stylized initial "M".

Marilyn J. Mosby
State's Attorney for Baltimore City