

**MCF\_Fav\_SB 784.pdf**

Uploaded by: Ann Geddes

Position: FAV



## **SB 784 – Criminal Law – Use or Possession of a Controlled Dangerous Substance – De Minimis Quantity**

**Committee: Judicial Proceedings**

**Date: March 8, 2022**

**POSITION: Support**

**The Maryland Coalition of Families:** Maryland Coalition of Families (MCF) helps families who care for a loved one with behavioral health needs. Using personal experience, our staff provide one-to-one peer support and navigation services to family members with a child, youth or adult with a mental health, substance use or gambling issue.

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MCF strongly supports SB 784.

Everyone knows that the 50 year war on drugs has proved to be an utter failure. It resulted in huge numbers of people incarcerated, especially people of color and the poor. It did not reduce crime, it did not lead to less drug use, and it served to worsen the relationship between law enforcement and communities of color.

Making possession of small amounts of controlled substances a civil offense will have a host of benefits. It will:

- save money by reducing court costs
- save money by reducing jail costs
- free up law enforcement to direct their energies toward serious crimes
- reduce the stigma of drug use, which in turn will promote people seeking help for their drug problem
- protect people from the significant consequences of having a criminal conviction on their record

For these reasons, we urge a favorable report on SB 784.

**Contact: Ann Geddes**

**Director of Public Policy**

**The Maryland Coalition of Families**

**10632 Little Patuxent Parkway, Suite 234**

**Columbia, Maryland 21044**

**Phone: 443-926-3396**

**[ageddes@mdcoalition.org](mailto:ageddes@mdcoalition.org)**

**SB0784\_De\_Minimis\_Quantity\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0784**  
**CRIMINAL LAW – USE OR POSSESSION OF A CONTROLLED DANGEROUS**  
**SUBSTANCE – DE MINIMIS QUANTITY**

**Bill Sponsor:** Senator Carter

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0784 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members are concerned about the way that possession of small quantities of drugs are used to create a record for a person, which puts them on the path to incarceration. The possession of small quantities of drugs, along with the absence of any criminal activity should not be treated as harshly as we currently do.

This bill, if passed, would make possession of small quantities of drugs (for example - 10 grams of marijuana, or 2 grams of cocaine) a civil offense vs a misdemeanor. There would be a fine, which would increase with the number of violations. Most importantly, there is also a provision to send repeat offenders to a drug education program.

We feel that this is an important step forward in treating recreational substance abuse properly and attempting to treat it, as opposed to trying to lock more and more people up. There have been enough young lives ruined over this.

We support this bill and recommend a **FAVORABLE** report in committee.

# **SB0784 Testimony from David Shrank.docx.pdf**

Uploaded by: Christianne Marguerite

Position: FAV



# PROGRESSIVE MARYLAND

P.O. Box 6988 Largo, MD 20792  
www.ProgressiveMaryland.org  
Contact@ProgressiveMaryland.org  
Facebook.com/ProgressiveMaryland  
@Progressive\_MD

## Testimony on Maryland Senate Bill SB0784:

Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity

TO: Senator William C. Smith, Chair, and members of the Judicial Proceedings Committee  
FROM: David Shrank, Member of Progressive Maryland  
DATE: March 8, 2022  
POSITION: SUPPORT

Thank you for the opportunity to offer testimony on SB0784. Progressive Maryland is a grassroots, nonprofit organization with 9 chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. In addition, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong SUPPORT for this bill.

As a volunteer with Progressive Maryland's Drug and Alcohol Policy Task force, it's my privilege to discuss the importance of the above bill. The war on drugs and caused immense unnecessary taxpayer dollar expenditure on incarcerating people who have been traumatized and re-traumatized by the system as well as those looking for emotional and physical pain relief as a result of other types of traumas in life. For many without health insurance, illicit drugs become the easiest and most effective way to treat physical and emotional pain. This is where psycho-education of drugs and alcohol is needed as well as drug and alcohol treatment for those needing further assistance which will have dramatically higher success than simply arresting someone and releasing him/her to the same lifestyle.

As someone who has personally worked deep in drug and alcohol counseling, jail/prison diversion, and having managed several programs (Trenton, Philadelphia, Baltimore, and Washington, DC), I've witnessed countless times where an individual is trying to get help for addiction and seeking effective services to turn one's life around, only to be arrested and pulled into jail, preventing treatment from occurring. We have all learned by now that there is almost nothing "correctional" in the correctional system. The correctional system causes people to revert back to a child-like state and reverses the help the person may have been receiving from effective service provision in the community. Effective drug and alcohol counseling along with psychoeducation can lead to incredible differences in the productivity of people's lives.



# PROGRESSIVE MARYLAND

P.O. Box 6988 Largo, MD 20792  
www.ProgressiveMaryland.org  
Contact@ProgressiveMaryland.org  
Facebook.com/ProgressiveMaryland  
@Progressive\_MD

Therefore, less tax payer dollars are spent on criminal justice because people make far less bad decisions.

This bill is incredibly important and should be passed. I also would like to point out that drug treatment programs like what is provided by Empowerment Behavioral Therapeutic Services is an incredibly effective follow-up to ensure people get the treatment needed to be successful in their current and future endeavors in life. Thank you for taking the time to read this testimony.

We urge a FAVORABLE report on **SB0784**.

Best Regards,

David Shrank, MSW, LCSW-C, LICSW

Progressive Maryland Drug and Alcohol Policy Task Force Leader

Founder and CEO

Empowerment Behavioral Therapeutic Services

[www.EBTServices.com](http://www.EBTServices.com)

[David.shrank@EBTServices.com](mailto:David.shrank@EBTServices.com)

**SB0784 Testimony from Eileen Finn.docx.pdf**

Uploaded by: Christianne Marguerite

Position: FAV





# PROGRESSIVE MARYLAND

P.O. Box 6988 Largo, MD 20792  
www.ProgressiveMaryland.org  
Contact@ProgressiveMaryland.org  
Facebook.com/ProgressiveMaryland  
@Progressive\_MD

## Testimony on Maryland House Bill SB0784:

Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity

TO: Senator William C. Smith, Chair, and members of the Judicial Proceedings  
Committee  
FROM: Eileen Finn, Member of Progressive Maryland  
DATE: March 8, 2022  
POSITION: SUPPORT

Thank you for the opportunity to offer testimony on SB0784. Progressive Maryland is a grassroots, nonprofit organization with 9 chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. In addition, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong SUPPORT for this bill.

I'm a member on Progressive Maryland's Drug Policy Task Force. We envision a society where there is equal opportunity for the health, dignity, and safety of people targeted by the war on drugs. We believe that harm reduction is a part of a broader movement for racial and social justice.

Maryland is in the top 5 in the country for arrests for possession of marijuana. 96% of those arrested are Black people. Decriminalizing marijuana has done little to decrease the number of arrests for possession. Our prisons are full of people who have been arrested for the simple act of possessing drugs. This does nothing to help people who have substance use disorder. The De Minimis bill will increase the amount of drugs a person can have on them and will treat substance use disorder like the mental health disorder that it is and refer those who are in possession of a controlled substance to treatment for drug use or for mental health treatment. This will, hopefully, decrease the racial inequality of our present system. If we focus on healing people instead of punishing them, we will move closer to a healthier, more equitable society where people are treated with the human dignity they deserve. Thank you for the opportunity to testify on this legislation

We urge a FAVORABLE report on **SB0784**.

Best Regards,

Eileen Finn, emfinn66@gmail.com

# **SB784 Testimony from Betsy Amey.pdf**

Uploaded by: Christianne Marguerite

Position: FAV

## **Testimony on Maryland Senate Bill SB0784**

### **Bill Name: De Minimis Quantity**

TO: Senator William C. Smith, Chair, and members of the Judicial Proceedings Committee

FROM: Betsy F. Amey, Towson, Baltimore County, District 42A

DATE: March 8, 2022

POSITION: Support

Thank you for the opportunity to testify on this legislation. Progressive Maryland is a grassroots, nonprofit organization with nine chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. Also, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong support for this bill.

I'm a member of Progressive Maryland's Drug Policy Task Force. We envision a society where there is equal opportunity for the health, dignity, and safety of people targeted by the war on drugs. We believe that harm reduction is a part of a broader movement for racial and social justice. I am also a retired Clinical Social Worker who worked for many years at The Resource Group in Towson, providing care to many with mental illness and substance use disorders.

This bill is needed because detaining and incarcerating people, especially children and adolescents, for having small amounts of drugs in their possession needlessly traumatizes them and creates havoc in their families. If some of these people have addiction problems, they are unlikely to receive appropriate treatment in jail, making their situation worse.

Police need to focus their efforts on more serious dangers to the community rather than arresting "easy targets" to improve their statistics. The events of the past 50 years have shown that arresting and prosecuting people for low level crimes has NOT improved public safety, and these "War on Drugs" strategies should be abandoned.

Building trust among police and community members through community policing allows both to collaborate in encouraging people to get into treatment or other prosocial activities. This would improve public safety in the longer term.

**We urge a favorable report on this legislation.**

**Betsy Amey**

# **SB784 Testimony from Joanne Gigliotti.pdf**

Uploaded by: Christianne Marguerite

Position: FAV

## **Testimony on Maryland Senate Bill SB0784**

### **Bill Name: De Minimis Quantity**

TO: Senator William C. Smith, Chair, and members of the Judicial Proceedings Committee

FROM: Joanne M Ggliotti, Gaithersburg, Maryland, Montgomery County, State Legislative District 17

DATE: March 8, 2022

POSITION: Support

Thank you for the opportunity to testify on this legislation. Progressive Maryland is a grassroots, nonprofit organization with nine chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. Also, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong support for this bill.

I'm a member on Progressive Maryland's Drug Policy Task Force. We envision a society where there is equal opportunity for the health, dignity, and safety of people targeted by the war on drugs. We believe that harm reduction is a part of a broader movement for racial and social justice.

I've not had any personal or family experience with drug arrests. However, through hearing stories, seeing videos and the studies of this group, I've become very aware of the unfairness of these situations. By listening first hand to the actual testimony of persons who have been incarcerated for possession of substance that is now, or will be, legal and yet can't even get out, is heartbreaking.

The incarceration of people for having small amounts of drugs does nothing to help them, nor does it bring justice to anyone. Jail is inappropriate for a big drug problem, and not necessary for an adult choosing to use. This is not a War on Drugs, it's a war on the afflicted or targeted person. The additional travesty is for those who got jail time because they couldn't afford the fine. That's not equitable, not useful at best and devastating at worst.

Passing this bill would bring the criminal justice system into the 21<sup>st</sup> century and make it more equitable and more appropriate. Most of all, it will make it closer to our country's ideal of equal justice for all.

**I strongly urge a favorable report on this legislation.**

Sincerely,

**Joanne M Ggliotti**  
**(301) 590 - 3050**

**SB784 Testimony from Jocelyn Carter Jackson.docx.p**

Uploaded by: Christianne Marguerite

Position: FAV

**Testimony on Maryland Senate Bill SB0784**

**Bill Name: De Minimis Quantity**

TO: Senator William C. Smith, Chair, and members of the Judicial Proceedings Committee

FROM: Jocelyn Carter Jackson, Silver Spring, Montgomery County

DATE: March 8, 2022

POSITION: Support

Thank you for the opportunity to testify on this legislation. Progressive Maryland is a grassroots, nonprofit organization with nine chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. Also, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong support for this bill.

I'm a member on Progressive Maryland's Drug Policy Task Force. We envision a society where there is equal opportunity for the health, dignity, and safety of people targeted by the war on drugs. We believe that harm reduction is a part of a broader movement for racial and social justice.

[How has incarcerating people for having small amounts of drugs on them impacted you, your family, or your friends?] My ex-husband was in and out of jail for years and went through numerous drug rehab programs. I think having him in jail for long periods of time hurt our family and forced me to be a single parent to our girls. It also led to our divorce after 15yrs. I had to move many times because I was unable to pay for the apartments, we lived in on a single person's salary as well as pay for daycare.

[How does not incarcerating people for having small amounts of drugs on them bring restorative justice to the War on Drugs?] If certain drugs were legal then the user would not have to worry about being arrested for this.

This makes this rule equal among everyone and not to hurt just one group of people.

**We urge a favorable report on this legislation.**

**Sincerely,  
Jocelyn Carter Jackson**

# **SB 784 OPD Written Testimony in Favor.pdf**

Uploaded by: Elizabeth Hilliard

Position: FAV





**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 784 - Criminal Law - Use or Possession of a Controlled Dangerous Substance**

**De Minimis Quantity**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 03/07/2022**

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report on Senate Bill 784.

SB 784 notably dictates that a finding of guilt under Md Code, Crim Law § 5-601 involving the use or possession of a de minimis quantity of a controlled dangerous substance would be a civil offense subject to fees, not criminal conviction nor incarceration.

Permitting persons with de minimis quantity of controlled dangerous substances to face civil penalties instead of criminal convictions or incarceration, reclassifies substance use and addiction as the public health crisis it is, not an action in need of punishment but of treatment.

Unfortunately, overdoses have increased, in Maryland, with an especially notable uptick during the COVID-19 pandemic.<sup>1</sup> Marylander's struggle with addiction demonstrates that simply caging drug users in jail and punishing them has failed. A failure that this bill recognizes by removing drug addiction from the criminal system and into the realm of public health.

There are a few examples of the positive results of decriminalizing, or reducing the

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<sup>1</sup> <https://www.baltimoresun.com/health/bs-hs-overdose-rate-maryland-coronavirus-pandemic-20210113-rl13kzzv3jd6he2bf44wah5cbm-story.html>

criminalization of drug use. In 2014, California voters defeloned possession of illegal drugs for personal use. In just one year, the jail population decreased from 51, 151 to 46, 384. The average cost for an inmate in California is \$64, 642. With 4,767 fewer inmates, California saved \$308 million dollars in 2015 after defeloning possession of drugs for personal use.<sup>2</sup>

Portugal decriminalized drug possession in 2001. The drug use rates are far lower than in the United States. Between 1997 and 2012, the use of drug treatment programs rose by 60%. The drug overdose rates dropped from 80 to 16 in 10 years. The percentage of people in prison for drug violations dropped 20% within 14 years. Within 13 years, the number of HIV cases decreased from 1,575 to 78 cases. The number of AIDS cases decreased from 626 to 74 cases. Portugal's success with drug decriminalization provides Maryland a clear example of a better way to deal with drug addiction.<sup>3</sup>

Moving the concerns of addiction and use of drugs from the criminal justice realm and putting it into the public health realm is critical to decreasing mass incarceration and improving Maryland. Such a move will not only make it easier for people struggling with addiction to connect with their community and feel less ostracized, but it will also decrease the stigma of drug use. Decreasing the stigma, and decriminalizing de minimis possession, will make drug users feel more encouraged to seek treatment and support, which in turn will make recovering and healthy living within their communities more likely.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 784.**

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

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<sup>2</sup> [https://www.ppica.org/wp-content/uploads/content/pubs/report/R\\_316MB3R.pdf](https://www.ppica.org/wp-content/uploads/content/pubs/report/R_316MB3R.pdf); <https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending>.

<sup>3</sup> <https://www.nytimes.com/2020/10/05/upshot/portugal-drug-legalization-treatment.html>; <https://drugpolicy.org/issues/drug-decriminalization>; <https://transformdrugs.org/blog/drug-decriminalisation-in-portugal-setting-the-record-straight>.

**Testimony\_JPC\_SB0784\_LR1984.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB 784  
– Criminal Law - Use or Possession of a Controlled Dangerous  
Substance - De Minimis Quantity–  
Before the Judicial Proceedings Committee  
On March 7, 2022**

Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee:

Senate Bill 0784 makes possession of small quantities of drugs from a criminal offense to a civil offense. Passage of the bill would transition Maryland from being a state that criminalizes addiction to one that remedies it through treatment and assessment.

According to an October 2021 report published by the [Sentencing Project](#), Maryland is one (1) of only 12 states where over half of the prison population is Black. This alarming reality is undergirded by incarcerating drug users who possess small quantities of drugs and are in active addiction. [In 2019, over 4,810 Baltimoreans were in Maryland prisons, accounting for one third of the state's prison population – 60 percent of whom were incarcerated for drug-related offenses.](#) It is no secret that there are major disparities in drug sentencing, and that criminalizing drug use instead of acknowledging it as a public health issue is a problem that needs solving.

Senate Bill 0784 humanizes drug-users. It recognizes that drug use is a health crisis and that it takes a public health approach to fight the

ever-growing drug overdose epidemic. Since the 1980s, drug sentencing has hardened, yet drug use continues to rise and its effects continue to have a palpable impact on our communities. Between 1980 and 1985, [the first-ever large representative epidemiological survey](#) of the U.S. population was done to identify various mental illnesses, including addiction. It found that 6.1 percent of Americans could be diagnosed with a substance use disorder linked to illegal drugs. The second time such a [survey](#) was done, between 2000 to 2005, the rate was 10.3 percent.

[Our country now sees over 100,000 fatal drug overdoses annually.](#) Clearly, current drug policy is failing. Decades of data demonstrates that treatment works. [Since decriminalizing drugs in Oregon, the number of people who sought out treatment in that state increased in just a year.](#) This is the outcome that Senate Bill 0784 could produce. Instead of incarcerating drug users, we must support them on their path to recovery, so that they might become healthy, productive citizens.

For these reasons, I urge a favorable report on Senate Bill 0784.

Respectfully,



Jill P. Carter

# **Health Care for the Homeless - SB 784 FAV - De Min**

Uploaded by: Joanna Diamond

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**IN SUPPORT OF**  
**SB 784 – Criminal Law – Use or Possession of a Controlled**  
**Dangerous Substance – De Minimis Quantity**

**Senate Judicial Proceeding Committee**  
**March 8, 2022**



**Health Care for the Homeless supports SB 784**, which would decriminalize the use or possession of small quantities of certain controlled dangerous substances. We are in support of the bill 1) as a necessary harm reduction measure to address drug use as a public health crisis rather than a criminal issue and 2) because low-level, non-violent drug offenses are top charges that saddle people with criminal records for life, preventing them from obtaining housing and employment.

**Drug use as a public health crisis**

Baltimore’s fatal overdose rate, in particular, is higher than ever before, with a 500% increase between 2011 and 2018.<sup>1</sup> Persons experiencing homelessness have higher rates of substance abuse disorders (SUD), poorer health and higher mortality rates by opioid overdose than other populations, the issue of addressing overdoses is particularly pertinent for the population that Health Care for the Homeless serves.<sup>2</sup> Simply, we must start addressing the use of drugs as the public health crisis that it is and completely shift the use of drugs out of the realm of the criminal justice system.

Continuing to criminalize the use of drugs is antithetical to treatment. Stigma is an enormous barrier to treatment. People without homes are denied care by the medical community because they are stereotyped as “drug seeking” or “difficult.” These have proven false and counterproductive narratives to address the overdose crisis. As such, continuing to criminalize users of drugs is antithetical to any effort to destigmatize drug use and increase access to the public health system. The importance of drug decriminalization is being increasingly recognized by the public health community.<sup>3</sup> It is time for the state of Maryland to do the same.

**Criminal charges related to drug use have lifelong consequences**

Criminal records create almost insurmountable barriers to obtaining employment, housing, education, and other critical resources like social safety net programs.<sup>4</sup> One of the top five (5) charges on Baltimore City’s

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<sup>1</sup> Natanya Robinowitz, MSPH, The Abell Foundation, *The Whole is Greater Than the Sum of Its Parts: Overdose prevention sites, Barcelona, Baltimore, and the need for a comprehensive approach to the overdose crisis* (Nov. 2019), available at <https://www.abell.org/publications/whole-greater-sum-its-parts> (Abell Report). We should also note that overdose rates in Baltimore have been higher than the national average for decades. *See id.*

<sup>2</sup> *See* National Health Care for the Homeless Council, *Medication-Assisted Treatment: Buprenorphine in the HCH Community* (May 2016).

<sup>3</sup> Among such organizations are World Health Organization and American Public Health Association. *See* Abell Report.

<sup>4</sup> *See* American Public Health Association, *Housing and Homelessness as a Public Health Issue* (Nov. 2017), available at <https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>.

Homeless Docket is drug possession (not marijuana).<sup>5</sup> There is a clear connection between people experiencing homelessness and getting criminally charged for low-level, non-violent drug possession.

As another example of the importance of decriminalizing activity that disproportionately impacts people experiencing homelessness, charges for violation of the open container law were the most common misdemeanor charges we saw in our clients – charges that prevent them from being eligible for public housing assistance. This law was also among the top 5 charges on Baltimore City’s Homeless Docket.<sup>6</sup> During the 2019 legislative session, the Maryland General Assembly (MGA) passed legislation to decriminalize the open container law.<sup>7</sup> This law will have an enormous impact on our client’s eligibility for housing. We applaud the MGA and the work of the recently convened Task Force to Study Crime Classification and Penalties.<sup>8</sup> We urge the Task Force to take into consideration bills like SB 784 and we strongly urge the General Assembly to realize the importance of decriminalizing the use and possession of drugs, as they did for the open container law in 2019.

Unsurprisingly, Baltimore City’s Homeless Docket report also showed that three (3) of the top 5 services received through the Homeless Docket were health care treatment, mental health treatment, and substance use treatment.<sup>9</sup> It is time for Maryland to fully recognize that addressing the use of substances must take a public health approach. Therefore, the use and possession of small amounts of substances must necessarily be dealt with in the public health system and not in the criminal justice system.

For these reasons, Health Care for the Homeless strongly urges a favorable report for SB 784.

*Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit [www.hchmd.org](http://www.hchmd.org).*

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<sup>5</sup> United Way of Central Maryland, *Docket for Homeless Persons: Five-Year Report, June 2013 – June 2018*, available at [http://www.hprplaw.org/penn\\_station/folders/get\\_legal\\_help/docket\\_for\\_homeless\\_persons\\_and\\_veterans\\_treatment\\_docket/2018\\_DocketForHomelessPersons\\_FINALe.pdf](http://www.hprplaw.org/penn_station/folders/get_legal_help/docket_for_homeless_persons_and_veterans_treatment_docket/2018_DocketForHomelessPersons_FINALe.pdf) (DHP Report).

<sup>6</sup> See DHP Report.

<sup>7</sup> See HB 88/Ch. 578, [http://mgaleg.maryland.gov/2019RS/chapters\\_noln/Ch\\_578\\_hb0088E.pdf](http://mgaleg.maryland.gov/2019RS/chapters_noln/Ch_578_hb0088E.pdf).

<sup>8</sup> See <https://msa.maryland.gov/msa/mdmanual/26excom/html/10crimclass.html> and accompanying Ch. 372, [http://mgaleg.maryland.gov/2019RS/chapters\\_noln/Ch\\_372\\_hb0542T.pdf](http://mgaleg.maryland.gov/2019RS/chapters_noln/Ch_372_hb0542T.pdf).

<sup>9</sup> See DHP Report.





# **MDDCSAM De Minimus SB784 FAV.pdf**

Uploaded by: Joseph Adams

Position: FAV



*MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.*

SB 784 Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity  
Senate Judicial Proceedings Committee March 8, 2022

FAVORABLE

The criminalization of drug possession is the largest driver of arrests in the United States. Of 1.6 million annual drug arrests in the U.S., over 80% are for possession only.

**There is no evidence that arrest or incarceration reduces drug use. It is not clear why we as a society persist in using our resources to arrest people for possession of small quantities of drugs.**

**This approach is destructive and disproportionately affects black and brown communities.** The ripple effect from the separation of families and the disconnection of community social networks is devastating. Maryland funds efforts to address poverty and unemployment, while also ruining job prospects with a criminal record.

**Our taxpayer dollars for criminal justice do the most harm to the people who need the most help.** This bill would complement the goals of the Justice Reinvestment Act, as well as successful LEAD programs (Law Enforcement Assisted Diversion), both of which divert drug offenses from the criminal justice system.

**When Portugal decriminalized small amounts of all illicit drugs, HIV infection rates plummeted, and overdose deaths dropped by over 80% in the 15 years after decriminalization.**

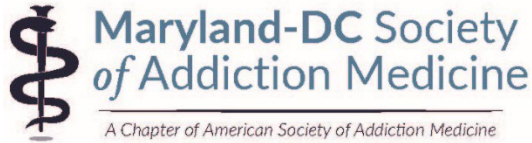
**Portugal's decriminalization law has not led to increases in drug use.** It has decisively lowered problematic drug use and improved health outcomes.

Joseph A. Adams, MD, FASAM, Chair, Public Policy Committee

**MDDCSAM - SB 784 FAV - De Minimis.pdf**

Uploaded by: Joseph Adams, MD

Position: FAV



*MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.*

SB 784 Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity  
Senate Judicial Proceedings Committee March 8, 2022

FAVORABLE

The criminalization of drug possession is the largest driver of arrests in the United States. Of 1.6 million annual drug arrests in the U.S., over 80% are for possession only.

**There is no evidence that arrest or incarceration reduces drug use. It is not clear why we as a society persist in using our resources to arrest people for possession of small quantities of drugs.**

**This approach is destructive and disproportionately affects black and brown communities.** The ripple effect from the separation of families and the disconnection of community social networks is devastating. Maryland funds efforts to address poverty and unemployment, while also ruining job prospects with a criminal record.

**Our taxpayer dollars for criminal justice do the most harm to the people who need the most help.** This bill would complement the goals of the Justice Reinvestment Act, as well as successful LEAD programs (Law Enforcement Assisted Diversion), both of which divert drug offenses from the criminal justice system.

**When Portugal decriminalized small amounts of all illicit drugs, HIV infection rates plummeted, and overdose deaths dropped by over 80% in the 15 years after decriminalization.**

**Portugal's decriminalization law has not led to increases in drug use.** It has decisively lowered problematic drug use and improved health outcomes.

Joseph A. Adams, MD, FASAM, Chair, Public Policy Committee

# **NCADD-MD - SB 784 FAV - Decriminalization De Minim**

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Judicial Proceedings Committee  
March 8, 2022**

**Senate Bill 784**

**Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity**

**Support**

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) supports Senate Bill 784, to decriminalize the possession of small amounts of illegal substances.

Among the lessons we have learned from this country's failed war on drugs is that making substances illegal and locking people up for using them does not solve our problems. Perhaps it is time to try a different strategy. We look to countries like Portugal where decriminalization of drugs in 1999 has led to:

- Reductions in reported illicit drug use among the overall population;
- Reduced expenditures related to drug offenders in the criminal justice system;
- Increased uptake of drug treatment; and
- Reduction in drug-related deaths and the transmission of infectious diseases.

The money spent on enforcing possession laws in Maryland would go a long way toward providing an adequate continuum of services for people with substance use disorders, including prevention, treatment and recovery supports. Funds could be used to invest in education and prevention strategies, especially for young people. Funds could be used to provide outreach and support services to people with co-occurring mental health and substance use disorders. Funds could create additional capacity for women with children who need intensive or residential levels of care.

There is also a significant racial disparity in the enforcement of drug possession laws. This was one of the main reasons the Maryland General Assembly decriminalized the possession of small amounts of cannabis. Despite that change, more than 70 percent of Maryland's prison population is African American, compared to 31 percent of the state population. Decriminalization is a smart and cost-effective way to address these issues.

We ask for your support of Senate Bill 784.

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*

# **SB784\_FAV\_BHRC\_De Minimis.pdf**

Uploaded by: Rajani Gudlavalleti

Position: FAV





March 8, 2022

The Honorable Will Smith  
Chairman, Senate Judicial Proceedings Committee  
2 East Wing, Miller Senate Office Building  
Annapolis, MD 21401

**Senate Bill 784 - Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity - FAVORABLE**

Dear Chair Smith and Senate Judicial Proceedings Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, Naloxone distributor, and syringe service program, we have provided essential health care services across the state for years. To supplement the life-saving services provided by us and dozens of harm reduction programs across the state, BHRC supports Senate Bill 784 (Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity).

The criminal justice approach to drug use, possession and distribution is a crisis to our public health and humanity. Over 145 years of criminalizing people who use drugs has devastated communities across the country. BHRC supports SB784 and broader efforts to gain community reparation from over a century of harm, and freedom from criminalization. Maryland must prioritize the health, dignity, and safety of people who use drugs, including systemic community healing after decades of over-policing and mass incarceration due to the war on drugs. **Decriminalization of drug possession is the most effective action to reduce stigma associated with drug use because it enables people to feel safer about discussing their drug use with loved ones, service providers, and support networks.**

An aspect of being targeted by the racist drug war is that our community and loved ones are also facing an increasingly deadly overdose epidemic. During 2020, as the deadly COVID-19 pandemic flooded the U.S., drug and alcohol related intoxication deaths in Maryland reached a staggering 2,799 fatalities. Overdose fatalities have steadily increased among Black Marylanders since 2012, increasing 16% from 2019-2020.<sup>1</sup> The rate of overdose among Black Marylanders in 2020 mirrors national trends, as Black overdose rates overtook White for the first time since the 1990's.<sup>2</sup> These trends illustrate that overdose – and how our social structures respond to drug use – continues to be a racial justice issue.

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<sup>1</sup> Maryland Department of Health (June 2021). Unintentional Drug- and Alcohol-Related Intoxication Deaths\* in Maryland 2020 Annual Report.

<sup>2</sup> Friedman JR, Hansen H. Evaluation of Increases in Drug Overdose Mortality Rates in the US by Race and Ethnicity Before and During the COVID-19 Pandemic. JAMA Psychiatry. Published online March 02, 2022. doi:10.1001/jamapsychiatry.2022.0004

Maryland legislators have taken laudable steps to reduce the devastation of the overdose crisis, but they do not go far enough to halt the overdose epidemic. The General Assembly has approved measures to expand access to the life-saving medication Naloxone, increase behavioral health treatment, and establish syringe services programs throughout the state. While these essential policies have increased opportunities for health and safety, the situation remains dire.

**In the midst of multiple intersecting public health crises, Marylanders deserve decriminalization and legalization efforts that include steps toward reparations, such as social equity provisions, housing assistance supports, and business licensing mandates. We ask that the Judicial Proceedings Committee give SB784 a favorable report.**

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at [rajani@baltimoreharmreduction.org](mailto:rajani@baltimoreharmreduction.org)

# **SB0784 De Minimus.pdf**

Uploaded by: Renee Cantori

Position: FAV

SB0784 Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity - Senator Carter - Judicial Proceedings Committee

The prosecution and misdemeanor convictions of citizens in possession of small quantities of certain controlled substances is tragic. The creation of a record and misdemeanor convictions creates irreparable harm to citizens who - like recreational users of cigarettes and alcohol - are merely doing that, using a substance recreationally.

The possession of small quantities of drugs, along with the absence of any criminal activity should not be treated as harshly as we currently do. The creation of a record as a result of convictions can lead to being denied affordable housing, jobs, government assistance, etc, leaving these convicted with much fewer choices to legally make a living.

Additionally, there is more than ample data showing that people of color are treated more harshly, both in arrests, convictions, and sentencing. As someone who has primarily lived in majority white neighborhoods where the rate of drug use is no different than in neighborhoods where primarily people of color reside, I have witnessed the disparity. There are no police stationed in the white neighborhoods neighborhoods I have lived in looking for drug use. While this bill does not address the disparity in policing, it would potentially result in less impact on our citizens of color, by reducing the severity of the offense, namely, from a misdemeanor to a civil offense.

This is an important step forward in treating recreational substance abuse properly and attempting to treat it, as opposed to trying to lock more and more people up.

We have to stop ruining lives over this. Please vote FAVORABLE in committee.

**SB784\_NTEPB\_FAV.pdf**

Uploaded by: Therese Hessler

Position: FAV

**SB784 - Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity**

**Senate Finance**

**March 4, 2022**

**FAVORABLE**

Dear Members of the Senate Finance Committee;

As Chair of The National Trauma Education and Policy Board, it's my privilege to discuss the importance of the above bill. The war on drugs and caused immense unnecessary tax payer dollar expenditure on incarcerating people who have been traumatized and re-traumatized by the system as well as those looking for emotional and physical pain relief as a result of other types of traumas in life. For many without health insurance, illicit drugs become the easiest and most effective way to treat physical and emotional pain. This is where psycho-education of drugs and alcohol is needed as well as drug and alcohol treatment for those needing further assistance which will have dramatically higher success than simply arresting someone and releasing him/her to the same life style.

As someone who has personally worked deep in drug and alcohol counseling, jail/prison diversion, and having managed several programs (Trenton, Philadelphia, Baltimore, and Washington, DC), I've witnessed countless times where an individual is trying to get help for addiction and seeking effective services to turn one's life around, only to be arrested and pulled into jail, preventing treatment from occurring. We have all learned by now that there is almost nothing "correctional" in the correctional system. The correctional system causes people to revert back to a child like state and reverses the help the person may have been receiving from effective service provision in the community. Effective drug and alcohol counseling along with psychoeducation can lead to incredible differences in the productivity of people's lives. Therefore, less tax payer dollar spent on criminal justice because people make far less bad decisions.

This bill is incredibly important and should be passed. I also would like to point out that drug treatment programs like what is provided by Empowerment Behavioral Therapeutic Services is an incredibly effective follow-up to ensure people get the treatment needed to be successful in their current and future endeavors in life. Thank you for taking the time to read this testimony.

Best Regards,

David Shrank, MSW, LCSW-C, LICSW

Board Chair

National Trauma Education and Policy Board

Founder and CEO

Empowerment Behavioral Therapeutic Services

[www.EBTServices.com](http://www.EBTServices.com)

[David.shrank@EBTServices.com](mailto:David.shrank@EBTServices.com)

**MCPA-MSA\_SB 784 De Minimis Quantity\_Oppose.pdf**

Uploaded by: Andrea Mansfield

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Chief of Staff 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: March 8, 2022

RE: **SB 784 - 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 SB 784. 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. SB 784 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 SB 784 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 SB 784 and urge and UNFAVORABLE committee report.

**sb784.pdf**

Uploaded by: Sara Elalamy

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 784  
Criminal Law – Use or Possession of a Controlled Dangerous  
Substance – De Minimis Quantity  
**DATE:** March 2, 2022  
(3/8)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 784. This bill makes violations relating to the use or possession of certain de minimis quantities of select controlled dangerous substances a civil offense rather than a misdemeanor. This would include: 10 grams of marijuana; 2 grams of cocaine; 1.5 grams of crack cocaine, 1 gram of heroin; 1 gram of MDMA; 40 user units of LSD, 40 user units of methadone; 2 grams of meth; and 40 tablets of oxycodone.

Since Maryland, as is the rest of the country, is still in the grips of an opioid epidemic where drug overdose deaths have continued to rise after the start of the COVID-19 pandemic, this portion of the bill does not seem to address the crisis of addiction.

This bill also requires a court to order a person who commits a violation, regardless of the age, to attend a drug education program and refers the person to an assessment for substance use disorder or a mental health assessment. While the Judiciary finds this commendable, there appears to be a lack the resources for these services and/or ability to monitor the defendant's progress.

Finally, the bill requires cases to proceed in a District Court Drug Court if the jurisdiction has one. This directly contradicts Maryland Rule 16-207 which makes all problem-solving courts voluntary. In addition, the bill does not allow each District Court Drug Court the ability to properly screen for legal and clinical appropriateness to participate in the program and does not consider how an active participant would be sanctioned under a civil offense rather than a misdemeanor for noncompliance with the rules of the drug court.

cc. Hon. Jill Carter  
Judicial Council  
Legislative Committee

# **SB0784 UNF opposed mcavoy.pdf**

Uploaded by: vince mcavoy

Position: UNF

## **UNFAVORABLE on SB 784**

vince mcavoy baltimore maryland

In testimony in the House Judiciary, the issue of walking drug stores has popped up regarding this flawed bill. The bill aims to make an amount of drugs that would kill any child a non-prosecutable offense.

For those reading this testimony, let the sponsor know that they don't personally have to make the arrest when a small amount of life-taking drugs is found – we have police to do this. I put that in testimony because it seems the sponsors feel like they have to be troubled with making the arrests, discerning which pill is which, which drug is which, etc.

The sponsors don't have to do that. The lawmakers only have to make sure that children, and the community and our schools are safe.

Safe for normal folks; not safe for drug dealers and miscreants plying children with drugs.

I recall who kept bringing this bill in the House – Delegate Morhaim. He would later be censured by the entire House (138 votes). Drugs make people unreasonable.

Regarding legalization and liberalization of drug laws, a teenager once-addicted to marijuana said this

“I was never a religious or spiritual person, but I started realizing people have a soul.

And I realized I lost mine to marijuana.

This is a REAL thing; people don't talk about it oftentimes.

This is silently affected a lot of youth...this legislation is going to create a lot more cases like mine...."

Jordan Davidson, former marijuana addict

Testimony in House Judiciary.

This bill wants these same children visiting the emergency rooms from marijuana, going into REHAB for marijuana, selling themselves for dope in prostitution to ALSO be able to obtain & escape undeterred by the law

when the substances are drugs known to routinely be contaminated with dangerous filler/cut. Escape undeterred holding up to 40 tabs of LSD. As little as 10 can lead to permanent brain damage and re-wiring. As little as 4 tabs has been known to cause people to jump off buildings to their death.

Legalization of a drug which intoxicates and alters perception of mental and physical faculties works to destroy society. It lessens the heights to which mankind can achieve. This teenager's testimony mirrored that of others giving testimony in House Judiciary in 2021. There, emergency room doctors, neuroscientists, parents of child-addicts and others gave testimony of suicide attempts, addiction, prostitution to be around people who smoke drugs, as well as car accidents and deaths.

A Colorado mom discussed leaving her area because the smoke & smell was “everywhere we go”. She complained about predatory profiting on marijuana edibles in used by 8th graders. About dabs causing emergency room visits and suicide attempts. About how children she saw graduating from marijuana as a gateway drug to other drugs such as “meth”.

Legalization opens a Pandora's Box which will cost humans much in pain and death. Other locations such as Canada and Colorado are amid this pain and are backtracking their legalization laws.

Legalization is said to eliminate all types of issues from backpain to black market drugs to taxes to reducing arrests.

Each of these arguments have been up-ended by the facts after legalization/liberalization of drug laws. In California and Oregon, there are rampant illicit markets. It's gotten so bad the Governor of Oregon has declared state of emergency. Sin taxes never pay off; we found that with the gambling taxes which were supposed to pay off school funding.

The Speaker and others are using the words Black Agenda in connection with – what – engineering & jobless rates?

No, DRUGS and VIOLENT CRIME.

Thirty years of living in Baltimore City tells me you talk to agendaists and opportunists, not real people, if you're someone who equates blacks with drug use. Blacks hate the crime that riddles their neighborhoods due to (primarily fatherlessness and) declining morals, endemic among drug users.

So many people talk about “black and brown” being represented by drug use. Or arrests from drugs. If this is what people tell you blacks and Hispanics discuss as needs, try speaking to people who have jobs and are ardently trying to raise & protect their children in a world you lawmakers have brought about where 8 year olds end up in REHAB in Baltimore City. EIGHT!

There's been no “war on drugs” because if there WAS a war, the fighters of that war wouldn't tolerate teens in Drug REHAB.

Year after year because people get arrested – and honestly folks, if you get arrested for smoking dope in Baltimore you don't have 2 brain cells to rub together – teens smoke dope in the open outside my downtown offices – who are not productive citizens striving to produce. They're striving to mistreat their personal issues with constant intoxication.

You're not thinking of children when you bring these bills. Kids will taunt others with a “legal” substance – I place in quotes because it is Federally-declared as an ILLEGAL substance – and children who would otherwise avoid the temptation will give in due to peer pressure.

Our students and our children deserve better than this bill.

And – as this isn't the first time each of you has advocated for this bill – for real, for real.

Our children will pay the price.