

Payne Yes Bill 73.pdf

Uploaded by: Alex Payne

Position: FAV

1 February 2023

Judicial Proceedings

Miller Senate Building

Annapolis, Maryland 21401

Re: Vote YES on Senate Bill 73

Delegates of the Judicial Proceedings Committee,

I support changing cannabis related offenses by converting current criminal penalties into civil penalties. Last fall, Marylanders like me voted to legalize marijuana. The vote, in part, represents a repudiation of decades of failed “war on drugs” approaches to marijuana regulation. While creating a legal framework for the purchase and sale of marijuana is a great step forward, the work is not yet done to make our criminal justice policies more equitable and just.

The criminalization of marijuana has contributed to broken communities and the prison-industrial complex. Too many of our community members are in jail, or face criminal penalties, for actions relating to marijuana. In addition to efforts to legalize marijuana sales, the legislature should decriminalize penalties related to tertiary marijuana offenses. Doing so will save the state in enforcement and imprisonment, and help repair our communities from the decades of failed criminalization policies.

Sincerely,

Alexander Payne

Resident of Senate District 46

916 N. Calvert St.

Baltimore, MD 21202

SB0073 Cannabis- Civil Penalties.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0073
Criminal Law - Cannabis-Related Offenses - Civil Penalties

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 SB0073 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 jails are full of people whose only crime was to possess an amount of marijuana in excess of the personal use limit. Given the fact that these people have not committed any kind of a violent crime, nor have they been convicted of selling marijuana, it seems a steep, steep penalty for possessing a little too much of a substance that made them high.

Instead of putting them in jail, ruining their chance to finish their education or get a job, it seems like a much better idea to simply fine them. This bill would substitute a civil fine of \$250 or community service for up to 75 hours. For people who are guilty of cultivating marijuana, the fine increases to \$5,000.

This is plenty of deterrent for a relatively petty crime.

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

Testimony MD SB 73 MJ penalties.pdf

Uploaded by: Debbie Ramsey

Position: FAV



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

EXECUTIVE DIRECTOR

Lieutenant Diane Goldstein, Ret.
Nevada, USA

BOARD OF DIRECTORS

Deputy Chief Wayne Harris, Ret.
Chair, New York, USA

Major Neill Franklin, Ret.
Treasurer, Florida, USA

Professor Jody Armour
Secretary, California, USA

Sergeant Terry Blevins, Fmr.
California, USA

Chief Mike Butler, Ret.
Colorado, USA

Chief Brendan Cox, Ret.
New York, USA

Ms. Nadine Jones
New Jersey, USA

Thomas Schoolcraft
Transitions Coordinator
Minnesota, USA

Supt. Richard Van Wickler, Ret.
New Hampshire, USA

Det. Sgt. Neil Woods, Ret.
Derbyshire, England, LEAP UK

Date: February 1, 2023

Re: SB 73 - Replacing criminal penalties with civil penalties for cannabis-related offenses

Position: SUPPORT

To: Senate Judicial Proceedings Committee

Dear Distinguished Committee Members,

Thank you for the opportunity to submit testimony in support of Senate Bill 73, which would substitute civil penalties in place of criminal penalties for certain offenses relating to possessing, cultivating, and manufacturing cannabis products. My name is Debbie Ramsey and I represent myself as a retired detective, having served 12 years with the Baltimore Police Department, and as a speaker for the Law Enforcement Action Partnership (LEAP).

LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience serving in the justice system. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and working toward healing police-community relations.

In Maryland, criminal penalties for cannabis-related offenses contribute to the over-policing of communities of color and prevent thousands of individuals from stabilizing their lives. A misdemeanor conviction hinders an individual's access to employment, stable housing, and a range of public benefits. Misdemeanor conviction records can also bar individuals from residing at certain homes and exclude individuals with low income from utility payment plans and food stamps. With higher conviction rates, Black and Brown people bear the brunt of collateral consequences stemming from misdemeanor convictions.

Fortunately, legislators have introduced SB 73, which would decriminalize the use and possession of cannabis for adult use and distribution. Two-thirds of Marylanders voted in favor of marijuana legalization on the 2022 ballot because we know that criminalization creates more problems than legalization. SB 73 would replace criminal penalties with civil penalties for cannabis-related offenses and focus efforts

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

on community service and substance abuse treatment. This bill would help Maryland catch up with the 21 states that have already fully legalized cannabis.

As a career law enforcement professional, I feel it is my responsibility to advocate in support of Senate Bill 73 in order to stop counterproductive collateral consequences and improve police-community trust. I strongly encourage its passage.

Thank you for the opportunity to share my perspective and experience in support of this bill.

Respectfully,

Debbie Ramsey
Retired Baltimore Police Department Detective
Speaker, Law Enforcement Action Partnership (LEAP)

SB 73 Cannabis Civil Penalties Favorable.pdf

Uploaded by: Elizabeth Hilliard

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 73—Criminal Law—Cannabis Related Offenses—Civil Penalties

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 1, 2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 73. This bill reduces criminal penalties related to possessing, possessing with intent to distribute, and other conduct related to cannabis. It reduces the penalties for possession in excess of the personal use amount of cannabis, possession with intent to distribute cannabis, cultivation of cannabis, to a civil offense subject to a fine or community service. As a matter of fundamental fairness, individuals should not continue to be subject to criminal penalties for engaging in the cannabis market, even if outside of the legalized scheme. Reducing the penalties related to possession with intent to distribute cannabis and cultivate of cannabis to civil violations appropriately balances the State’s interest in regulating the cannabis marketplace while not criminalizing individuals for engaging in the legal marketplace that will be an economic boon for the State. All of these civil penalties also balance the State’s interest in regulation with the concerns of disparate surveillance, enforcement, and arrests in Black communities for cannabis use.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB 74.

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

Authored by: Michele D. Hall, Assistant Public Defender | michele.hall@maryland.gov

SB0073 TESTIMONY .pdf

Uploaded by: Jared Schablein

Position: FAV

TESTIMONY FOR SB0073

Criminal Law - Cannabis-Related Offenses - Civil Penalties

Bill Sponsor: Senator Carter

Committee: Judiciary Proceedings

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Kris Urs, LSPC Community Organizer

Position: FAVORABLE

I am submitting this testimony in favor of SB0074 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement on the Lower Eastern Shore.

Maryland Voters from the Eastern Shore to Western Maryland overwhelmingly supported repealing the criminalization of marijuana for recreational purposes in November's election. Nevertheless, under the new law, marijuana-related offenses including possession with the intention to distribute or possession of more than what is necessary for personal use still pose the risk of being convicted of a misdemeanor. Without abolishing these sanctions, people will be at risk of continuing arrest trends in which they will continue to be charged with crimes in spite of legalization. Legalization must prevent future disparities in addition to rectifying past wrongs.

It is for these reasons the Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.

SenCarter_SB73Terstimony (1).pdf

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB73- Criminal Law - Cannabis-Related Offenses - Civil
Penalties
Before the Judicial Proceedings Committee
On February 1, 2023**

SB73 will alter certain cannabis-related acts from criminal to civil penalties, including possession with intent to distribute, possession exceeding the civil use limit, and cultivation. Under current law, these offenses are misdemeanor offenses.

With a growing understanding of the detrimental harm done to Black and brown communities during the faux "War on Drugs", the voters of Maryland overwhelmingly passed measures to legalize cannabis. However, with strict criminal penalties still in place, minority communities will continue to be over-policed for acts occurring in all communities. Without these necessary changes, cannabis will continue to only be legalized for specific populations.

The criminalization of cannabis and the dangerous rhetoric accompanying it has perpetuated the racist notion that cannabis use and possession among Black and Brown people is indicative of criminal activity. In contrast, the use of cannabis by white people is seen as recreational or medicinal. As a result, Black and brown people continue to face the brunt of the enforcement of Maryland's cannabis laws, despite decriminalization and similar rates of use among white and Black people. In Queen Anne's County, Black people are eight times more likely to be arrested for marijuana. In Carroll County, Cecil, and Frederick, Black people are six times more likely to be arrested for marijuana and five times more likely in Allegany County.

Between 2018- 2019, 76% of Marylanders arrested for possessing more than 10 grams of marijuana were Black, despite Black people only making up 30% of the state's population. From 2018 to 2019 of those arrested for possession in Maryland, 75% were Black. Black people were more than three times as likely to be arrested for cannabis.

Last year, the legislature decided to send legalization to a referendum, pushing the work of equitable implementation to the side. Well, now it's time to focus on the latter. We will be beginning those efforts through a series of tactically and thoughtfully constructed legislative measures.

I respectfully request that the committee grant a favorable report on SB73.

Sincerely,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter, Esq.

SB 73_FAV_ Amanuel.pdf

Uploaded by: Yanet Amanuel

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

February 1, 2023

SB 73- Criminal Law - Cannabis-Related Offenses - Civil Penalties

Favorable

YANET AMANUEL
PUBLIC POLICY
DIRECTOR

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 73, which would substitute civil penalties in place of criminal penalties for certain cannabis-related offenses such as possession over the civil use limit, possession with the intent to distribute cannabis, and cultivating cannabis.

Amid a growing understanding of the harm caused to Black and Brown communities by the racist enforcement of the "war on drugs," Maryland voters have decided that the recreational use of cannabis should be legal. However, criminal penalties for marijuana-related offenses are still on the books. Under the current law, cannabis-related offenses such as possession over the civil use limit and possession with intent to distribute (PWID) are misdemeanor offenses. If these criminal penalties are not removed, cannabis will only be partially legalized. Black and Brown people will continue to be disproportionately impacted by targeted enforcement of these laws and saddled with the collateral consequences accompanying entanglement in the criminal legal system and unnecessary police interactions.

"War on Drugs" Rhetoric is Racist, and Enforcement Has Had Catastrophic Effects

The criminalization of cannabis has been an excuse to over-police Black and Brown people for decades. The catastrophic rhetoric of the dangerous "war on drugs" and the campaigns to criminalize cannabis have perpetuated the racist notion that cannabis use and possession among Black and Brown people is indicative of criminal activity. In contrast, the use of cannabis by white people is seen as recreational or medicinal. As a result, Black and brown people continue to face the brunt of the enforcement of Maryland's cannabis laws, despite decriminalization and similar rates of use among white and Black people. In Queen Anne's County, Black people are eight times more likely to be arrested for marijuana. In Carroll County, Cecil, and Frederick, Black people are six times more likely to be arrested for marijuana and five times

more likely in Allegany County.¹ Between 2018- 2019, 76% of Marylanders arrested for possessing more than 10 grams of marijuana were Black, despite Black people only making up 30% of the state's population. From 2018 to 2019, of those arrested for possession in Maryland, 75% were Black. Black people were more than three times as likely to be arrested for cannabis.²

Moreover, Black people are sentenced to incarceration more often and for more extended periods for felony and misdemeanor cannabis.³ A misdemeanor conviction hinders an individual's access to employment, stable housing, and a range of public benefits. Misdemeanor conviction records can also bar individuals from residing at certain homes and exclude individuals with low income from utility payment plans and food stamps. With higher conviction rates, Black and Brown people bear the brunt of collateral consequences stemming from misdemeanor convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuate the cycle of racialized imprisonment. Without gainful employment and stable housing, individuals are forced into livelihoods of criminality.

Furthermore, the vast majority of those currently selling marijuana are subsistence dealers selling to survive. They do not make a substantial profit and will not have access to a license to distribute marijuana lawfully. It is unfair to continue to levy any punishment against them when wealthy, mostly white Marylanders will be able to engage in the same conduct legally and for profit.

Legalization Will Not Be Enough to Reduce Racial Disparities in Maryland

Decriminalization was never enough. As seen in many states, the legalization of recreational cannabis uses without eliminating criminal penalties for other cannabis-related offenses will not be enough either. Disparate arrest rates between Black and white people exist in all states, regardless of whether cannabis has been legalized, decriminalized, or remained illegal. Disturbingly, while in states that legalized cannabis, arrest rates decreased after legalization, racial disparities sometimes worsened. For example, in Washington, D.C., despite legalizing cannabis.⁴ Therefore, eliminating the

¹ 2020 Statistics and Data Request for Possession of Marijuana over 10 Grams by Delegate Nick Mosby

² https://msccsp.org/Files/Sentencing_Snapshot/Issue7.pdf

³ American Civil Liberties Union. (2020). *A Tale of Two Countries Racially Targeted Arrests in the Era of Marijuana Reform*. American Civil Liberties Union. Retrieved November 30, 2022, from <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>

⁴ Elwood, K., & Harden, J. D. (2022, October 16). *After Virginia legalized pot, majority of defendants are still black*. The Washington Post. Retrieved November 30, 2022, from <https://www.washingtonpost.com/dc-md-va/2022/10/16/virginia-marijuana-enforcement-disparities/>

criminal penalties for cannabis-related offenses is highly critical to undoing the harms caused by the failed war on cannabis.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 73.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

SB0073 Favorable with Amendments.pdf

Uploaded by: Erik Graham

Position: FWA

Erik Graham
21244

I was a freshman at Old Mill High School when a classmate was killed for a few grams of cannabis. His name was Alexander Henderson.

A Morgan State University student was killed recently while selling a quarter pound of cannabis.

These are 2 victims of the countless, from the war on drugs. Death from the illegality of a plant.

They could still be alive if there were no criminal penalties and everyone had legal access to grow their own or access to reasonably priced cannabis.

On August 5, 2019 The mmcc found Cultra LLC had started their outdoor grow BEFORE the commission had approved the facility. 1500 plants. FIFTEEN HUNDRED plants. Why am i limited to 2 PER HOUSE HOLD.

If that was anyone else they would be locked up and civil forfeit of everything!

It is your right to be able to BREW 200 Gallons of Beer, Wine, or Mead. That is 2133, 12 oz beers or mead and 1007 bottles of wine a year!

Why limit the number of plants to 2 when plant success is not guaranteed. It takes at least three and a half months for a cannabis plant to be ready to use. There are no negative outcomes for increasing plant count to those below.

Amend this bill to also update the personal use limit for cultivation to include the following elements:

- 6 flowering and 6 non-flowering cannabis or hemp plants per person
- Double per household

Additional changes needed to support home cultivation include:

- 5 pound household possession limit/keep what you grow
- Legal access to testing services for home cultivators
- Legal sales of seeds and seedlings

SB0073_carr_FWA.pdf

Uploaded by: Rusty Carr

Position: FWA

SB0073 Favorable with Amendments
Warren (Rusty) Carr
4391 Moletton Drive
Mount Airy, MD 21771

I am in favor of SB73 with the following amendments:

1) Medical certification in lieu of punishment

An 18 year old charged with cannabis possession should have the alternative of acquiring a medical certification and having their case placed on the stet docket.

2) Reduced fine for cultivation

The war on drugs is over. Cannabis cultivation penalties should be civil. But the intent of this penalty is to deter trafficking. Director Kelly's suggested approach to enforcing cannabis sales regulations would eliminate the need for this penalty or at least the need for it to be so high. Further, while the fine value is high for the home grower who grows double what is allowed, but it is not high enough to be a deterrent to black market cultivation. The plant count limit and the fines for exceeding it should reflect the intent to prevent cultivation for profit without a license while limiting the potential for harassing home growers who have no intent to sell their harvest.

Please amend SB73 to reduce the civil fine for cultivation to \$500.

3) Home Grow "fixes"

While it is understood that this bill was not intended to make other changes to this law, there is no other legislation pending to change the personal use limit for cultivation. The law implementing home cultivation was admittedly intended only as an opening negotiating stance. Therefore it is requested that you amend this bill to also update the personal use limit for cultivation to include the following elements:

- 6 flowering and 6 non-flowering cannabis or hemp plants per person
- Double per household

Additional changes needed to support home cultivation include:

- 5 pound household possession limit/keep what you grow
- Legal access to testing services for home cultivators
- Legal sales of seeds and seedlings

4) Targeted Civil Penalties

One approach to cultivation limits and penalties is that the civil limit should be double the personal limit and that concept should be consistent across the personal limits. If there is an intent use cultivation limits to help deter cultivation for the black market, defining the civil limits by canopy tiers might be more appropriate.

An alternative approach is to consider a civil limit of 100 square feet of indoor canopy or 300 square feet of outdoor canopy. That's enough capacity to produce about 10 pounds per year. At \$10/gram that's about \$4500 worth of retail cannabis. If you price the fine at \$40 per square foot of canopy space, the fine would start at \$4000 and escalate to match the value of the potential harvest.

Thank you,
Rusty Carr

MCPA-MSA_ SB-73-Cannabis-related-Offenses-Civil-Pe

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: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 1, 2023

RE: **SB 73 – Criminal Law – Cannabis-Related Offenses – Civil Penalties**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 73. This bill changes from a misdemeanor to a civil penalty the possession of certain quantities of cannabis.

MCPA and MSA do not typically take a position on sentencing matters. However, in this instance, reducing the penalty for cannabis under certain situations is unwise. As it has now been approximately 10 years since marijuana became legal in several states, the proliferation of the illegitimate cannabis market has brought with it a significant increase in violent crime. Under current Maryland Law, the penalties are intended to respond to not only the dangerousness of the particular substance, but also the violence that is often associated with illegal drug trade. As other states have seen, once marijuana is legal, the illegal market indisputably becomes larger and as Maryland has seen even prior to legalization, daily in our State, homicides, armed robberies, shootings, and illegal firearm possessions occur during or because of the illegal cannabis market.

Reducing the penalties for cannabis at this time, prior to assessing the actual impacts of the illegal drug market once legalized, would likely bring an increase in crime and violence that is directly associated with the illegitimate cannabis market. The MSA and MCPA understand the need for regulations associated with the legalization of marijuana in Maryland, but unfortunately as other states have experienced, reducing criminal penalties at this time is very concerning to the safety of our communities.

For these reasons, MCPA and MSA OPPOSE SB 73 and request an UNFAVORABLE Committee report.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236

sb73.pdf

Uploaded by: Matthew Pipkin

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

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 73
Criminal Law – Cannabis – Related Offenses – Civil Penalties
DATE: January 18, 2023
(2/1)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 73. Senate Bill 73 removes “civil use amount” definition from the Criminal Law Article (CR) §5-101. It also alters the civil penalties for cannabis related offenses under CR §5-101 to state a finding of guilt involving the use of possession of an amount of cannabis exceeding the personal use amount is a civil offense punishable by a fine not exceeding \$250.00 and a person who is found guilty of a civil offense involving the use or possession of an amount of cannabis exceeding the person use amount may request, and shall be granted, a penalty of up to 75 hours of community service in lieu of a fine. This legislation also removes the penalty provision under CR §5-101 for possession of civil use amount of cannabis (currently a civil offense punishable by a fine not exceeding \$250.00).

The Judiciary opposes this bill because portions of the bill—such as at Criminal Law §§ 5-601(c)(i) and 5-607(a)(2)(ii)—mandate the penalties that courts must issue for certain violations under certain circumstances. This would remove Judicial discretion to assign appropriate penalties for those situations. The Judiciary believes it is important for Judges to have discretion to craft judgments or sentences based on the particular circumstances of a case.

cc. Hon. Jill Carter
Judicial Council
Legislative Committee
Kelley O’Connor