



Testimony for the Judicial Proceedings Committee

March 7, 2022

DARAJA CARROLL
PUBLIC POLICY
LEGAL ASSISTANT

SB 532 – Criminal Law – Overdosing in Public – Prohibition

UNFAVORABLE

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 urges an unfavorable report on SB 532, which would criminalize overdosing in public and authorize the court to refer someone who overdoses in certain public places to drug court or substance abuse treatment rather than imposing a term of imprisonment or a fine.

In Maryland, Black people make up only 30% of the general population, but over 70% of the incarcerated population.¹ Overdosing is often an involuntary act. Criminalizing overdosing will not help prevent or reduce overdoses, it will instead funnel people into the criminal legal system and further harm and have a disproportionate impact on Black people.

In 2015, Maryland passed a Good Samaritan Law² protecting people assisting in good faith in an emergency overdose situation from arrest for certain crimes. The law was passed to encourage any person experiencing a medical emergency caused by ingestion or use of drugs to seek medical assistance without fear of arrest or prosecution. SB 532 undermines this by criminalizing overdoses in public despite many overdoses being involuntary. Put simply, Maryland's Good Samaritan Law, like similar laws³ across the nation, encourages individuals to get help during an overdose while SB 532 criminalizes overdosing in public.

For these reasons, the ACLU of Maryland urges an unfavorable report of SB 532.

¹ Vera Institute, *Incarceration Trends in Maryland*, <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf> (last visited March 4, 2023).

² SB0654, <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0654/?ys=2015rs>.

³ Lieberman & Davis, *Legal Interventions to Reduce Overdose Mortality: Overdose Good Samaritan Laws*, Aug. 18, 2021, <https://www.networkforphl.org/resources/legal-interventions-to-reduce-overdose-mortality-overdose-good-samaritan-laws/#:~:text=Opioid%20overdose%20is%20reversible%20through,percent%20reduction%20in%20overdose%20deaths>.