

**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 532  
Criminal Law – Overdosing in Public - Prohibition  
**DATE:** February 8, 2023  
(3/7)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 532.

The bill appears to criminalize substance use disorder (in contrast with possession of a controlled dangerous substance) by mandating 60 days in jail and/or \$500 fine for overdosing in locations defined as public places. Our communities have recently embraced a more therapeutic/sensitive approach to substance use disorder, including but not limited to making Narcan available to address the health crisis of overdose deaths. This appears to contradict that therapeutic approach and will possibly impact those who wish to render aid to individuals who are overdosing in a public place since this appears to directly contradict the “Good Samaritan” Law.

Additionally, courts already refer individuals to drug court or substance use treatment in lieu of jail time on a variety of cases.

Finally, the bill does not address situations where a jurisdiction has a drug court program but the defendant does not qualify for the program. In such situations, courts would be unable to refer the defendant to a substance abuse treatment program.

cc. Hon. Paul Corderman  
Judicial Council  
Legislative Committee  
Kelley O’Connor