

**Fiery\_Color\_002 (1).pdf**

Uploaded by: Harold Morris

Position: FAV

Harold Morris III  
D.O.B7 /28/88  
CASE# 12-K-17-154  
DOC#474-175/SID#2776241  
1-20-2023

## Cannabis Reform In support of HB135

Maryland Legislatures,

We the great state of Maryland has overwhelmingly approved question 4, making us now the state to legalize cannabis for adult use and now our legislatures who represent the people are fully compelled to decrease the gap between the superior and inferior. This year, this hour is the time to take direct action against inequality, injustice and oppression. It is in plain sight that the superior can purchase the privilege to manufacture, distribute, and dispense a controlled dangerous substance while the inferior <sup>one</sup> is prosecuted to the maximum extent by our courts for the same legal offense. "We cannot legislate morality," but we can put limits and parameters on our courts. To execute or subjugate our people with criminal statutes that are almost half-century-old is unjust.

Currently, under Maryland criminal code S; 5-613 drug kingpin statute, a person found guilty of this statute must receive a mandatory minimum sentence of 20 years, which can cap out at a maximum sentence of 40 years without parole. We have to ask ourselves, does this destructive method justify the destructive end? Does this half-century-old statute bring balance and justice to our great state? This is not warranted for a kingpin crack dealer, or a kingpin heroin dealer, but not cannabis. Cannabis is a legal substance and it should be treated as though it is. There must be a difference distinguished in courtrooms between cannabis kingpins and kingpins for other controlled substances. When this statute was enacted in 1989 the infamous "war on drugs" was being waged and failed. Today, no one should be receiving a mandatory minimum sentence of 20 years for cannabis. These mandatory minimum-sentencing policies unfairly take the discretion from Judges to tailor a sentence that fits the individual. If the 20-year mandatory minimum was removed from the statute, if the sentencing Judge has the need to sentence a defendant to a larger sentence the judge could, but to bind the Judges hands by forcing them to impose a minimum sentence of 20-years is unjust. HB 135 brings balance to our judiciary system and must be implemented without hindrance or opposition.

Thank you David Moon, and all of the legislatures who through tireless effort and persistent justice, equality and equal opportunity to the great state of Maryland. Thank you making good the promise of democracy proving that "the bank of justice is not bankrupt". I pray that you continue your work, staying open minded along the way just as our wonderful president Joe Biden did with Jeffrey Epstein sparing no expense to bring our sister home to her family. In the name of Dr. Martin Luther King Jr. Let freedom reign.

Much love,  
Your prisoner,

Dr. Martin Luther King Jr.'s American Dream  
1/4<sup>th</sup> 1965

# **HB135 Drug Kingpin MJ Favorable.pdf**

Uploaded by: Michele Hall

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: HB 135 Cont. Dang. Subst. Volume Dealers and Drug Kingpins--Cannabis**

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

**POSITION: Favorable**

**DATE: January 31, 2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 135. This bill limits the maximum criminal penalties for those who sell large amounts of cannabis. It reduces the penalties for manufacturing, distributing, dispensing, or possessing greater than 50 pounds of cannabis from a felony conviction with a mandatory minimum sentence of 5 years to a misdemeanor conviction with a maximum penalty of 5 years. For those “drug kingpins” who organize the manufacturing, distribution, dispensing, or importing of cannabis, it reduces the penalties from a felony conviction with a mandatory sentence between 20 and 40 years, to a felony conviction with a maximum penalty of 10 years. This reduction both acknowledges that cannabis is now part of the legal economic market in Maryland, and that cannabis is not as dangerous as the other enumerated substances in the statute. It would be contradictory for the State benefit from the large financial gains of the legal cannabis market while sentencing individuals for the unlicensed sale of large amount of cannabis commensurate with cocaine, fentanyl, methamphetamine, and other illegal and dangerous substances. This bill appropriately balances holding those accountable who sell cannabis outside of the regulated market, while not over-penalizing those engaged in conduct that is now lawful.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 135.**

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

**Authored by: Michele D. Hall, Assistant Public Defender | [michele.hall@maryland.gov](mailto:michele.hall@maryland.gov)**

**MPP HB 135 testimony - favorable .pdf**

Uploaded by: Olivia Naugle

Position: FAV



January 31, 2023

HB 135

**Testimony from Olivia Naugle, senior policy analyst, MPP, favorable**

Dear Chair Clippinger and members of the House Judiciary Committee:

My name is Olivia Naugle and I am a senior policy analyst for the Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the United States. MPP has been working to improve cannabis policy for 27 years; as a national organization, we have expertise in the various approaches taken by different states.

MPP has played a leading role in most of the major cannabis policy reforms since 2000, including more than a dozen medical cannabis laws and 12 of the 21 campaigns to enact legalization laws, including the first two states to legalize cannabis through the state legislature, rather than the ballot box — Illinois and Vermont.

The Marijuana Policy Project strongly supports legalizing and regulating cannabis for adults 21 and older and doing so in a way that repairs the damage inflicted by criminalization.

I am here today **in support of HB 135**.

This past election, Maryland voters voted overwhelming in favor (67.2 percent) of Question 4 – a constitutional amendment to legalize cannabis for adults in Maryland beginning July 1, 2023. In fact, the passage of Question 4 was the highest margin of any ballot measure to legalize cannabis.

HB 135 would reduce some incredibly harsh penalties for cannabis offenses as the state rolls out adult use legalization. Under current law, possession of 50 pounds or more of cannabis carries a felony conviction and *mandatory minimum* sentence of 5 years imprisonment. By comparison, other felonies carrying mandatory minimums (that range in sentences) in Maryland include serious violent crimes such as murder, rape, assault, burglary, and theft.<sup>1</sup>

Mandatory minimums strip judges of the discretion to determine the appropriate penalty. They are inappropriate for non-violent cannabis offenses, particularly post-legalization.

HB 135 would reduce the penalty for possessing 50 pounds or more of cannabis to a misdemeanor punishable by up to 5 years imprisonment — removing the mandatory minimum sentence. It would also reduce the penalty for conspiring to manufacture, distribute, dispense, or

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<sup>1</sup> Md. Code, Crim. Law §§ 2-201, 3-202, 3-304(c)(2), 5-612, 6-202, 7-104, 10-606

bring into the state 50 pounds or more of cannabis from a felony subject to 20-40 years imprisonment to a felony not exceeding 10 years imprisonment.

Notably, this legislation would not legalize or decriminalize such conduct — it would still carry criminal penalties and the possibility of lengthy incarceration. Rather, it would reduce existing criminal penalties to be more proportionate and restore judicial discretion.

For years now, Maryland has defined cannabis as medicine and has an effective medical cannabis program, and in a few months, adults will be able to legally possess cannabis for their personal use. Licensed businesses already grow and sell medical cannabis, and the legal market will soon expand to serve adult consumers.

Marylanders have already decided to end the failed policy of cannabis prohibition and begin to repair the decades of harm it has caused. Further reducing harsh penalties for a legal substance is an important and worthy goal the state should seek to achieve.

As Maryland has seen over the last 80+ years, draconian penalties are not an effective approach to stopping illegal cannabis sales. The path to absorbing as much of the market into the legal market as possible is ensuring an adequate supply to meet demand, having enough businesses to serve customers statewide, creating an onramp for legacy operators, avoiding excessive taxes, and otherwise making sure the legal market outcompetes illicit sales.

Thank you Chair Clippinger for your time and attention. I urge a favorable report of HB 135.

If you have any questions or need additional information, I would be happy to help and can be reached at the email address or phone number below.

Sincerely,

Olivia Naugle  
Senior Policy Analyst  
Marijuana Policy Project  
onaugle@mpp.org  
202-905-2037

# **OAG Testimony - HB 135 - Volume Dealer and Drug Ki**

Uploaded by: Jer Welter

Position: FWA



**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE McLAREN LANHAM**  
*Chief of Staff*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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January 31, 2023

**TO:** The Honorable Luke Clippinger, Chair, Judiciary Committee  
**FROM:** Jer Welter, Assistant Attorney General  
**RE:** HB 135 - Controlled Dangerous Substances - Volume Dealers and Drug Kingpins - Cannabis  
(FAVORABLE WITH AMENDMENTS)

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The Office of the Attorney General urges the Judiciary Committee to issue a favorable report, with amendments, on House Bill 135.

House Bill 135 lowers the penalties for the controlled dangerous substance offenses of volume dealer (Crim. Law § 5-612) and drug kingpin (Crim. Law § 5-613), where the controlled dangerous substance at issue is cannabis. Both offenses concern persons who participates in distribution or manufacture of specified very large amounts of controlled dangerous substances. In light of the partial legalization and further decriminalization of cannabis possession, some reduction of the penalty associated with criminal distribution of large amounts of cannabis is sensible.

However, two amendments to the bill as it concerns the volume dealer penalties are appropriate to avoid unintended consequences and to clarify the provisions of the statutes:

1. Lowering the penalty for volume dealer of cannabis to five years, as House Bill 135 does, would exacerbate a potential sentencing merger problem when a person is convicted of both volume dealer and ordinary distribution, manufacture, and possession with intent to distribute under Crim. Law § 5-608 for. Those § 5-608 offenses (even as to cannabis) carry a higher potential penalty (up to 20 years for a first offense) but at least in some circumstances are arguably lesser included offenses of volume dealer, because volume dealer has the same elements with the addition of the specified high amount. Particularly if the penalty for volume dealer of cannabis is to be lowered, it would be advisable to add an anti-merger

provision to the volume dealer statute to ensure that it allows imposition of a larger penalty for large-amount distribution. Otherwise, a prosecutor by charging the volume dealer offense would paradoxically reduce the maximum available penalty for distribution below what it otherwise would be if volume dealer were not charged. An anti-merger provision would specify that conviction under § 5-612 does not merge for sentencing with a conviction for any other offense under this title.

2. Second, this bill would partially but not fully address a lack of clarity that was created in the volume dealer statute when it was made a standalone offense rather than a penalty enhancement, as discussed in *Johnson v. State*, 467 Md. 362 (2020). Specifically, although this bill would clarify that the offense is a felony, it would not specifically address the maximum penalty for a non-cannabis volume dealer, which is not currently stated in the statute. *Johnson* holds that the maximum penalty is 20 years. But in *Johnson*, the Maryland Supreme Court nevertheless urged the legislature to “reconsider the wording of [the volume dealer statute’s] penalty provision in future legislation.” If the volume dealer statute is to be amended, it would be prudent to add an express maximum penalty for the non-cannabis offense. This could be accomplished by amending page 2 line 28 to read: “imprisonment for not less than 5 years AND NOT EXCEEDING 20 YEARS and is subject to a fine not exceeding \$100,000.”

With these amendments, the Office of the Attorney General supports HB 135.

cc: Members of the Committee

**HB0135\_FWA.pdf**

Uploaded by: Rusty Carr

Position: FWA

HB0135 Favorable with Amendments

Warren (Rusty) Carr

4391 Moletton Drive

Mount Airy, MD 21771

After legal sales for cannabis begin we should remove the kingpin penalty for cannabis possession and instead rely solely on business licenses and tax stamps to prevent illicit trafficking like we do for alcohol and tobacco. Instead of making cannabis a misdemeanor exception to the kingpin statute we should be removing cannabis *from* the kingpin statute.

Please consider a sunset amendment to remove cannabis from the kingpin list on January 1, 2025 or just strike 5-612.(a) (1) directly (line 18).

Thank you,  
Rusty Carr

# **MCPA-MSA\_ HB 135 Volume Dealers adn Drug Kingpins\_**

Uploaded by: Andrea Mansfield

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and  
Members of the Judiciary 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: January 31, 2023

RE: **HB 135 – Controlled Dangerous Substances – Volume Dealers and Drug Kingpins -  
Cannabis**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 135. This bill would change the possession of 50 pounds of cannabis from a felony to a misdemeanor, and reduce the penalties for being a cannabis volume dealer or a cannabis kingpin.

§5-612 of the Criminal Law Article, currently provides penalties for those who possess controlled dangerous substances in a large amount; the possession of these large amounts is often referred to as “volume dealer.” The amount that triggers an enhanced penalty varies depending on the substance. §5-612 reflects an assessment of the perceived dangers associated with each substance. For example, a person is a volume dealer with 448 grams of phencyclidine, but only needs 28 grams for morphine.

§5-612 sets a level of fifty (50) *pounds* for cannabis. By way of comparison, 448 grams is roughly 0.98 pounds. In other words, one must have fifty times *more* cannabis than phencyclidine to be receive the same punishment. This 50:1 ratio is already a fair balance between the perceived lesser impact of cannabis and other controlled dangerous substances.

MCPA and MSA do not typically take a position on sentencing matters. In this instance, however, reducing the penalty for cannabis volume dealers and cannabis kingpins is unwise. The current penalties are intended to respond to not only the dangerousness of the particular substance, but also the dangers that are part and parcel of the illegal drug trade. In Maryland, the illegal cannabis trade is far more dangerous than the trade for other substances. Every day in this State, homicides, armed robberies, shootings, and illegal firearm possessions occur during or because of the illegal *cannabis* market. Reducing the penalties for cannabis volume dealers and kingpins might be sensible if cannabis dealing was less dangerous than dealing other substances. Unfortunately, the opposite is true.

For these reasons, MCPA and MSA OPPOSE HB 135.

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