



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary Committee

FROM: Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 28, 2023

RE: **HB 927 - 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 HB 927**. 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.

Should this bill become law, the quantities of drugs that would become decriminalized include multiple street-level (user amount) doses of heroin, cocaine, methamphetamine, LSD, and others. MCPA and MSA are very concerned this bill creates an 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. HB 927 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 the 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 HB 927 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 is to obtain the drug to avoid 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 a possible overdose. It only takes one street-level (user amount) dose 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 a street-level dose of these dangerous drugs is an important component of 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 HB 927** and urge an **UNFAVORABLE** committee report.