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POSITION ON PROPOSED LEGISLATION

BILL: HB 280—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 House Bill 280. 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. As the Racial Equity Impact Note makes clear, although national data shows that lifetime use of cannabis by Black people is less than their white counterparts, Black people are disproportionately arrested and convicted for cannabis crimes. This disparity is also true in Maryland with Black people representing 29% of the State's population but 59% of cannabis possession arrests. 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, and balances 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 HB 280.

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