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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.

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

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