



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Judiciary Committee
Tuesday, March 7, 2023

House Bill 980- Criminal Procedure - Probation, Parole, and Pretrial Release
Violations - Cannabis Use

Good afternoon esteemed colleagues,

I am here today to seeking your support for House Bill 980 Criminal Procedure - Probation, Parole, and Pretrial Release Violations - Cannabis Use, which seeks to prevent individuals on probation or parole from being punished for cannabis use, a behavior that will now be legal come July 1, 2023 under Maryland state law. As we move towards legalizing recreational cannabis use in Maryland, it is important that we reconsider all of the derivative crimes, penalties, and violations in our code that remain on the books. It is unfair and unjust to continue punishing individuals for behavior that we have deemed will no longer be a crime.

Maryland has come a long way in our understanding of cannabis, its uses, and its potential benefits. The legalization of recreational cannabis in Maryland is a reflection of this progress. We have also recognized that the so-called war on drugs was a complete failure. House Bill 980 recognizes that using cannabis alone does not inherently create danger and calls for a more nuanced approach to pretrial release, probation, and parole violations. The bill requires judges and the parole commission to make a specific finding that the use of cannabis poses a danger before revoking pretrial release or finding violations. This ensures that individuals are not penalized for cannabis use, and that their loved ones are not unnecessarily separated from them.

It is important to note that the bill does not condone using cannabis while driving or any other violation. Rather, it acknowledges that cannabis use alone does not pose a danger to society and calls for a more equitable and evidence-based approach to criminal justice policies.

Passing this bill would mark a progressive shift in Maryland's approach to cannabis use by defendants and parolees, and would serve as a model for other states grappling with the complexities of cannabis legalization and its implications for criminal justice. In conclusion, I urge the committee to support HB 980 and take a step towards a more equitable and evidence-based approach to criminal justice policies.

I have accepted a friendly amendment from the Office of the Public Defender to clean up the draft language. I urge a FAVORABLE report with the amendments.



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Here are some ways that preventing individuals on probation or parole from being punished for cannabis use is good policy:

- Reducing unnecessary incarceration: By not punishing individuals on probation or parole for cannabis use, fewer people will be incarcerated for non-violent offenses, reducing the burden on the criminal justice system and increasing resources for addressing more serious crimes.
- Focusing resources on violent offenders: By not punishing individuals for cannabis use, probation and parole officers can focus their resources on monitoring and supervising individuals who pose a greater threat to public safety, such as those with a history of violent offenses.
- Promoting trust in the criminal justice system: When individuals on probation or parole are not punished for cannabis use, it can increase their trust in the criminal justice system and improve their willingness to comply with the terms of their supervision.
- Encouraging honesty and transparency: When individuals are not punished for cannabis use, they may be more likely to be honest and transparent with their probation or parole officers about their drug use. This can enable officers to provide more effective support and resources to help individuals address any issues related to drug use.
- Reducing racial disparities: Cannabis prohibition and its enforcement have historically led to racial disparities in arrests and incarceration rates. Stopping individuals on probation or parole from being punished for cannabis use can help reduce these disparities and promote greater equity in the criminal justice system.
- Reducing the collateral consequences of cannabis prohibition: Cannabis prohibition and its enforcement can lead to collateral consequences, such as loss of employment, housing, and other opportunities. By not punishing individuals for cannabis use, these collateral consequences can be mitigated, promoting greater economic stability and reducing the likelihood of engaging in criminal activities.