



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.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236