



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings 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: February 21, 2024

RE: **SB 404 Criminal Law – Controlled Dangerous Substances and Firearms**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 404**. This bill reduces penalties for cannabis volume dealers and drug kingpins from a felony to a misdemeanor; allows individuals who have been incarcerated as a volume dealer or drug kingpin or certain amounts of cocaine or cannabis to petition for a reduction or modification of their sentence; alters the penalties and classification for certain firearm offenses, and allows a person 21 years of age or older to manufacture personal amounts of cannabis so long as it's done without a "volatile solvent."

§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 under certain situations 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 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 SB 404** and request an **UNFAVORABLE** Committee report.