



THE SENATE OF MARYLAND
Annapolis, Maryland 21401

Testimony of Senator Jill P. Carter
In Favor of SB0619 – Criminal Law - Cannabis-Related Offenses - Civil Penalties
Before the Judicial Proceedings Committee
On February 16th 2024

Mr. Chairman, Vice Chair, and Members of the Committee:

SB0619 seeks to substitute civil penalties in place of criminal penalties for certain cannabis-related offenses such as possession over the civil use limit, possession with the intent to distribute cannabis, and cultivating cannabis. This bill was introduced last session, however never made it out of committee.

According to an opinion from the Attorney General last year, despite the fact that Maryland voters decided to legalize cannabis, it is only partially legalized due to the fact that certain offenses such as possession over the legal use amount and possession with intent to distribute still carry criminal penalties. As seen in many states, the legalization of recreational cannabis uses without eliminating criminal penalties for other cannabis-related offenses will not be enough to reduce racial disparities. According to a 2020 national ACLU report, disparate arrest rates between Black and white people exist in all states, regardless of whether cannabis has been legalized,

decriminalized, or remained illegal.¹ Disturbingly, while in states that legalized cannabis, arrest rates decreased after legalization, racial disparities sometimes worsened. For example, in Virginia, despite legalization of recreational marijuana in 2021, Black adults still accounted for nearly 60 percent of marijuana-related cases even though they are only about 20 percent of the state's population.² In Washington, D.C., despite legalizing marijuana almost eight years ago, almost everyone arrested on marijuana related charges in 2020 was Black despite making up only 45 percent of the city's population.³

In Maryland, Black people are more than three times as likely to be arrested for cannabis. However, in Queen Anne's County, Black people are eight times more likely to be arrested for cannabis. In Carroll County, Cecil, and Frederick, Black people are six times more likely to be arrested for cannabis and five times more likely in Allegany County.⁴ Between 2018- 2019, 76% of Marylanders arrested for possessing more than 10 grams of marijuana were Black, despite Black people only making up 30% of the state's population.⁵ Moreover, Black people are sentenced to incarceration more often and for more extended periods for cannabis related offenses.⁶

¹ American Civil Liberties Union. (2020). A Tale of Two Countries Racially Targeted Arrests in the Era of Marijuana Reform. American Civil Liberties Union. Retrieved November 30, 2022, from <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>

² Elwood, K., & Harden, J. D. (2022, October 16). After Virginia legalized pot, majority of defendants are still black. The Washington Post. Retrieved November 30, 2022, from <https://www.washingtonpost.com/dc-md-va/2022/10/16/virginia-marijuana-enforcement-disparities/>

³ <https://www.washingtonpost.com/dc-md-va/2022/10/16/virginia-marijuana-enforcement-disparities/>

⁴ American Civil Liberties Union. (2020). A Tale of Two Countries Racially Targeted Arrests in the Era of Marijuana Reform. American Civil Liberties Union. Retrieved November 30, 2022, from <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>

⁵ 2020 Statistics and Data Request for Possession of Marijuana over 10 Grams by Delegate Nick Mosby

⁶ https://msccsp.org/Files/Sentencing_Snapshot/Issue7.pdf

Therefore, with no changes made, cannabis laws will continue to affect the lives of many Marylanders, especially Black Marylanders. A misdemeanor conviction record can bar individuals from residing at certain homes and exclude individuals with low income from utility payment plans and food stamps. With higher conviction rates, Black and Brown people bear the brunt of collateral consequences stemming from misdemeanor convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuate the cycle of racialized imprisonment.

This bill seeks to eliminate criminal penalties and instead substitute them for civil penalties, and community service efforts. Over the years, Maryland has used millions of dollars to enforce the marijuana possession laws that continue to target Black Marylanders at alarming rates. This practice is not only counterproductive but a waste of limited resources for the state of Maryland, that further widens the distrust between communities of color and law enforcement.

**As such I urge this committee to issue a favorable report on SB0619.
Thank you for your time.**

Sincerely,

Senator Jill P. Carter