



TESTIMONY IN SUPPORT OF HOUSE BILL 441

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 9, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center supports House Bill 441.

Despite the fact that Maryland voters overwhelmingly approved a 2022 referendum to legalize cannabis for adult use, under current law, cannabis-related offenses, including possession with intent to distribute and possession of any amount more than the civil use amount, still result in criminal convictions and the many collateral consequences that accompany them. By moving certain offenses from the criminal to civil justice systems, House Bill 441 will further the work of addressing the harms of the war on drugs and mitigate the disproportionate impact of the criminal legal system on Black and brown communities. As a matter of fundamental fairness, Maryland should not criminalize those who participate in the cannabis market, even when operating outside of the regulatory scheme, while privileged entrepreneurs simultaneously start to build wealth through the emerging legal market.

Recent changes in law in other jurisdictions make clear that the legalization of cannabis for personal use, without additional proactive measures, is not enough to reduce the disproportionate racial impact of the War on Drugs. In Virginia, despite legalization of recreational use, Black adults accounted for 60% of all marijuana related charges (and only 20% of the state’s population).¹ In Washington D.C., in the years both before and after legalization of cannabis, 89% of those arrested for marijuana related charges were Black (despite accounting for only 45% of the population).²

¹ Elwood, K., & Harden, J. G. (2022, October 16). After Virginia Legalized Pot, Majority of Defendants are Still Black. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/dc-md-va/2022/10/16/virginia-marijuana-enforcement-disparities/>.

² Schwartzman, P., & Harden, J. G. (2020, September 15). D.C. Legalized Marijuana, but One Thing Didn’t Change: Almost Everyone Arrested on Pot Charges is Black. *The Washington Post*. Retrieved from https://www.washingtonpost.com/local/legal-issues/dc-marijuana-arrest-legal/2020/09/15/65c20348-d01b-11ea-9038-af089b63ac21_story.html.

The impacts of an arrest or conviction record, even for misdemeanor charges, on individuals, families and communities are staggering, including the extensive list of collateral consequences that can follow a justice-involved individual for years, well after a case or period of incarceration concludes. These impacts span numerous areas central to a person's ability to survive and thrive, impeding access to stable housing, education, healthcare, voting, occupational licensing, rights related to the parent-child relationship and more.

For these reasons, we urge a favorable report on House Bill 441.