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POSITION ON PROPOSED LEGISLATION

BILL: HB1245

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 03/05/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 1245.

House Bill 1245 prohibits an individual from distributing heroin or fentanyl or a chemical analogue of heroin or fentanyl, the use of which results in the death or serious bodily injury of another; and generally relating to the distribution of controlled dangerous substances.

Members of the Committee, thank you for your time. My name is Lauren Karnes. I am a Certified Peer Recovery Specialist for the Maryland Office of the Public Defender. I identify as a person in long-term recovery from a substance use disorder and through my lived experiences, I assist OPD clients in obtaining recovery-based resources and navigating the judicial system. I am an advocate for clients whose voices struggle to be heard.

The opioid epidemic has left our state in a mode of crisis, affecting an astronomical amount of Maryland families. This has essentially put you, as state officials, in the best position to enact lifesaving measures as a response. If House Bill 1245 goes into effect, it will do the exact opposite and charge many of the companions or loved ones of the injured and/or deceased, not only making it unjust, but also exacerbating the overdose crisis that has already devastated so many communities. Many of the prosecutions that will take place from House Bill 1245 passing will include co-users who are knowingly and willingly sharing the drugs, including friends and romantic partners. This will result in even more families being ripped apart, more children being left without one or both parents, and the jails becoming even more overpopulated than they already are with non-violent offenders.

House Bill 1245 does not differentiate between the individuals that are knowingly and willingly distributing these heroin and fentanyl products with the intent of causing bodily harm or death and the background individuals that are only in the grips of their addiction and innocently trying to avoid the unbearable feelings of drug withdrawal.

From experience, it is common for those in the active-addiction communities to live and use together. It is common practice for one or more people to bring the illicit substances back to the group, where community use will commence. It is imperative that these individuals with substance use disorders, living within these communities, be given the resources they need that assist in the treatment of their disease, instead of being jailed. Once incarcerated, many of the lifesaving programs and/or providers that are used to treat substance use disorders become unavailable. These programs are imperative for drug users to better understand their triggers and to learn how to effectively use their decision-making skills, as to avoid the unexpected and unfortunate outcomes such as injury and death due to overdose.

For these reasons, The Maryland Office of the Public Defender urges this committee to issue an unfavorable report on House Bill 1245.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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