



DEPARTMENT OF POLICE

Marc Elrich
County Executive

Marcus G. Jones
Chief of Police

**HB 1245 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
(Victoria and Scottie’s Law)**

House Judiciary Committee

**WRITTEN TESTIMONY: Montgomery County Police Captain Nicholas Picerno, Director of the
Training and Education Division**

March 05, 2024

My name is Nicholas Picerno, and I am a Captain with the Montgomery County Police Department (MCPD). I am currently the Director of the Training and Education Division. However, until recently, I spent the last three years as Director of the Special Investigations Division. In that role, I supervised several investigatory units within our agency, including our Drug Enforcement Section. I also spent several years working in our Homicide Unit as both a Detective and Supervisor, so I have personal experience conducting and overseeing overdose investigations. Montgomery County Police is proud to have one of the nation's most robust overdose response programs. We have worked with other major cities, both in the United States and abroad, to develop overdose response protocols that help hold drug dealers accountable.

I am fully aware that the fentanyl overdose crisis in our community is not a crisis that can be solely eradicated with enforcement strategies. Last year, in Montgomery County, there were 99 fatal drug overdoses. More troubling, 12 of these overdose victims were under 21.

The overdose crisis is certainly a health issue. However, it is also a transnational and organized crime issue. Every overdose that happens in Maryland can be traced to organized fentanyl dealers – these dealers prey on those in our most vulnerable communities. Whether vulnerable because of a substance use disorder or they are vulnerable because they are young and open to suggestion and influence, these are the exact people that this legislation seeks to protect.

The fentanyl crisis is unique in our history because fentanyl is unlike any drug we have seen. The Drug Enforcement Agency states that “one pill can kill.” This is a true statement. By far, the most common method we see fentanyl being sold is in pill form, where a portion of fentanyl is pressed into a pill shape with inert or benign substances. Over 80% of the suspected Oxycodone tested in the Montgomery County Police Lab tests as fentanyl. There was a time in the recent past when we referred to these pills as “counterfeit” because people would take a substance thinking it was one drug and end up consuming another. In the last five years, we have learned this is out-of-date thinking. Today, we see evidence daily that shows people are buying fentanyl in pill form knowing exactly what they are buying – and those dealings know exactly what they are selling.

This legislation recognizes the new landscape of illegal fentanyl distribution. Many jurisdictions refer to overdose investigations as “drug-induced homicides.” People who sell fentanyl know exactly what they are selling – and they know the risks that come along with these sales. This legislation balances legitimate social



concerns (the safe harbors for the Good Samaritan law and sales without remuneration) while rightly holding actual drug dealers accountable.

You will hear testimony on his bill, both written and oral, from those whom the fentanyl crisis has victimized. I cannot pretend to give a point of view that rivals what they have dealt with emotionally. I present the viewpoint of someone who has worked to prevent overdose from the support side of the equation. On behalf of Police Chief Marcus Jones, we request that you issue a favorable report.