

AmandaBass.pdf

Uploaded by: Amanda Bass

Position: FAV

I am Amada Bass, a resident of Harmony Hill Apartments in Aspen Hill, Maryland. I have seen firsthand from my window the devastating effects of drug abuse in our community, especially among our vulnerable senior citizens. Every day, we are surrounded by the sale and distribution of dangerous drugs like heroine and Fentanyl. It is time for us to take a stand and demand stronger prosecution to protect our neighborhoods and our loved ones.

State Bill SB 1075 is a crucial step towards addressing this epidemic. By strengthening criminal prosecution against those who profit from these harmful substances, we can make our streets safer and our communities healthier. I urge our lawmakers to support this bill and send a clear message that drug dealers will not be tolerated in our state. Thank you for standing with us in this fight for a better future.

MCPA - MSA HB 1245-Fentanyl Penalties-Support.pdf

Uploaded by: Andrea Mansfield

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the House Judiciary 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: March 5, 2024

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

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT HB 1245. This bill would prohibit an individual from distributing heroin or fentanyl that results in the death or serious bodily injury of another. It increases the penalty for the distribution of fentanyl and fentanyl mixtures to not exceeding 20 years and would allow for the prosecution of a person to be brought in the County where the drug violation occurred or in the County where the death or serious injury from the drug occurred.

Substances cut or laced with fentanyl are now the leading cause of overdose deaths. What were once counterfeit pills taken by accident have grown into a market where individuals are purposefully making and dealing fentanyl pills and selling them to individuals who are willing purchase them. This legislation recognizes this new landscape and puts penalties in place to deter such behavior. Individuals who deal fentanyl know these pills may kill individuals, yet they are still very willing to sell them. As such, there should also be consequences for their actions.

Many times, fentanyl pills are bought in one jurisdiction and ingested in another. This cross jurisdictional matter could affect where charges are brought and where the prosecution occurs. This bill attempts to address these issues by allowing prosecution in either jurisdiction.

Families across Maryland have dealt with heartbreaking situations of loved ones dying due to fentanyl overdose. HB 1245 imposes accountability on the bad actors who deal fentanyl and provides justice for the family.

MCPA and MSA strongly SUPPORT HB 1245 and urge the Committee to give the bill a FAVORABLE report.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236

Support victoria and scotty's law hb1245 - April.p

Uploaded by: April Babcock

Position: FAV



**IN SUPPORT OF HB1245 – DISTRIBUTION OF HEROIN OR FENTANYL CAUSING SERIOUS
BODILY INJURY OR DEATH (VICTORIA AND SCOTTIE’S LAW)**

Dear Honorable Committee Members,

My name is April Babcock, I lost my son Austen on January 26, 2019 to illicit fentanyl poisoning. My son will always be forever 25, his life was cut short because a drug dealer sold my son something that he did not even know he was buying, he was buying cocaine but received a deadly poison in the cocaine, fentanyl. When anyone disguises a harmful substance in anything for another person to consume without their knowledge and it causes death or harm that is the very definition of a poisoning. Even those who are seeking to buy illicit fentanyl that still does not imply there is a safe dose to take. Illicit fentanyl has no safe dose to consume, this is not the same as pharmaceutical fentanyl, illicit fentanyl is being made in the jungles of Mexico in 5-gallon drums by drug cartels or drug dealers here in their basements and there is absolutely no quality control like the fentanyl used for surgery or given for extreme pain patients here in

America. Overdose means there is a safe dose to take, you take too much of that safe dose and it causes death or harm. There is NO safe dose of illicit drugs and dealing illicit drugs is illegal so my question to you is WHY ARE DRUG DEALERS GETTING AWAY WITH MURDER? My son paid the ultimate price with his life and dealers get to continue to walk the streets harming and killing Marylanders. Baltimore has the highest death toll in the nation per capita, this is disturbing and sickening. In a 12-month period ending in June of 2023, 183.2 deaths occurred per 100,000 people more than double the second in the nation which is Philadelphia and 87% of the deaths were attributed to illicit fentanyl. It is imperative that we get the dealers off our streets so people that do suffer with a substance abuse disorder have a chance of recovery and those that are first time, experimental and occasions users do not die. Our youth especially should have a chance to learn from mistakes and not die from them. This is poison, and its being cut into street drugs and fake pills are being made to mimic a real pharmaceutical grade pill and no one can tell the difference. DEA now has stated that 7 out of every 10 pills contain a potential lethal dose of illicit fentanyl.

Accountability is key. Less than 4 months after my son was murdered his dealer who sold him fentanyl but told him it was cocaine was arrested and charged with Felony Drug Crimes for possession of 11.47 grams of Marijuana, 36.34 grams of cocaine, 5.57 grams of cocaine and fentanyl, and 2.22 grams of heroin and fentanyl. All these drugs were packed for street sales. This guy was in possession of the same mixture that he had just killed my son with, and 5 grams of illicit fentanyl has the potential to kill 500 people. Zero regret for my son's loss of life! Now we fast forward to September of 2019, another 4 months after this he himself became a

murder victim in the Eastern District of Baltimore. He was shot to death. If this person was in jail where he belonged, I do not even understand why he was let out of jail but he was....if he were behind bars where he belonged he himself had an opportunity to change his life. Without consequences there is zero reason to change, the government failed my son because we had no warnings, we had no idea anything about illicit fentanyl in 2019 and the government failed the person that killed my son by letting him walk the streets after such crimes with no imprisonment time. Now he's just another murder victim himself, drug dealers are killing one another over turf and innocent people get killed too often. Marylanders deserve to feel safe and protected and we are being failed by politicians. You are the ones who can change this.

All I ever wanted was to look him in the eyes and tell him what he took from me and my family and his friends. My life was flipped upside down and I've dedicated my time to saving lives and warning the public. We need this bill to pass to save lives. Marylanders deserve justice and right now we have zero justice.

Sincerely,

April Babcock founder

Lost Voices of Fentanyl Inc

Lvof.org

HB1245.Fentanyl.Picerno.Testimony.Memo.03012024.pd

Uploaded by: Captain Stacey Flynn

Position: FAV



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.

CassandraBeltranTestimony.pdf

Uploaded by: Cassandra Beltran

Position: FAV

Good Afternoon Ladies and Gentlemen of the General Assembly. My name is Cassandra Beltran, and I am from Middletown, Maryland in Frederick County. I am a social worker, a mental health private practice owner, mental health advocate, and I'm also a victim of fentanyl overdose death.

Seven months ago at the young age of 30 my sister died. Kaela was a sister, a mother, a daughter, a niece, a cousin, and a friend. She was free spirited, kind, passionate, beautiful, and spunky. Kaela loved spending time at the park with her children, was always down for an adventure through the woods or at the river, and dreamed of becoming a sign language interpreter. The confidence Kaela had was everything I wanted to be, but that was before Fentanyl. After fentanyl entered her life she was empty, lost, scabbed, wounded, infected, homeless, and ultimately dead. Fentanyl devoured her despite her best efforts to survive and took away everything that made her who she was. She was sent to rehab and sober living right in the center of Baltimore, where she found "friends" to encourage her habit and destroy her sobriety, and a drug dealer on every corner to satisfy her need. She ended up in hospital with a broken leg and back, ready for help and a way out, and the system failed her, but a drug dealer didn't. He was there to provide the pain relief and comfort she felt she needed, but little did she know that drug dealer was going to be the last person she saw, because that dose of Fentanyl was going to kill her.

Her killers are still out there, roaming the streets with their weapon, fentanyl, harming and killing others, and something must be done. Let me ask you this, if someone entered your home, your child's school, or this room and pointed a gun at you or someone one you loved, would they not know pulling the trigger would cause serious bodily harm or death, and would we not expect that person to be arrested, charged, and punished? Someone selling drugs is no different. They are out there mixing drugs, chemicals, and garbage into the fentanyl they are selling knowing the sale of that drug will cause serious bodily harm or death, and if they happen to be caught what punishment will they face? A few years for possession, a few more for intent to distribute? Meanwhile your loved one dies alone, in a dirty alley, leaning up against a dumpster left like a piece of trash the way my sister did. My sister's life mattered and while she made the choice to buy the drugs, the dealer is not blameless in her death. The drug epidemic in this country is winning, and unless we all do something to stop it, your loved one could be next. This bill is a start, and it's your chance to take a stand with those of us whose loved ones can no longer be saved. Thank you for your time.

HB 1245 Support.pdf

Uploaded by: Dawn Luedtke

Position: FAV



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DAWN LUEDTKE
COUNCILMEMBER
DISTRICT 7

March 1, 2024

The Honorable Luke Clippinger
Chair, Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

RE: House Bill 1245, *Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)*

Dear Chair Clippinger,

I urge the Committee to support House Bill 1245, Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law), which would increase the maximum imprisonment term to 20 years for someone convicted of selling drugs laced with fentanyl, heroin, or synthetic opioids that resulted in the buyer's death. The Bill would also allow for the prosecution of all individuals convicted in involvement in the distribution and delivery of the drug that resulted in the buyer's death.

Just two milligrams of fentanyl can be fatal and such doses are commonly tested and found mixed into otherwise legitimate appearing prescription pills as well as illicit nasal sprays and powders.¹ Overdose deaths due to fentanyl use present an urgent public health crisis that the State must provide every tool available - including more significant penalties for distribution of a deadly dose - to local jurisdictions as we attempt to deter and prevent further tragedy. While Montgomery County² and many other jurisdictions have pursued legal remedies against corporations that profited off of the opioid addiction and deaths of members of our community, we must do more to address the illicit drug market.

From January to June 2023, there were 2,202 unintentional fentanyl, heroin, or opioid related deaths in the State of Maryland and 126 in Montgomery County,³ a number that continues

¹ <https://www.dea.gov/resources/facts-about-fentanyl>

² https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=21829

³ https://health.maryland.gov/vsa/Documents/Overdose/Quarterly%20Reports/2023_Q2_IntoxReport.pdf

the marked upward trend of these overdoses in our communities since 2016 and yet another blaring warning sign that our laws and policies are not adequate to stem this epidemic or stop those who profit off it.

I'm grateful for the increased awareness of how to use Narcan to treat emergency overdoses, a significant and widespread initiative that the Montgomery County Council has consistently supported. This public health crisis impacts all of our communities, regardless of race, ethnicity, or socioeconomic status and it will require a holistic and collective effort to address it. House Bill 1245 recognizes this by maintaining immunity for any individual who acts as a good samaritan to seek or provide medical assistance for someone experiencing an overdose.

Please support this legislation for more effective deterrence and accountability for those who engage in the illicit drug trade or who are responsible for the death and addiction of far too many in our State and County.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Luedtke". The signature is fluid and cursive, with a large initial "D" and "L".

Dawn Luedtke
Montgomery County Councilmember
District 7

cc: Members of the Judiciary Committee

Senate Bill 1075.pdf

Uploaded by: Debra Santini

Position: FAV

Senate Bill 1075/ House Bill 1245

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

Committee Judicial Proceedings

Date March 5th 2024

Position In Favor

Hello,

My name is Debbie Santini and I am in favor of this Senate Bill 1075/House Bill 1245. I am the mother of 2 sons. My youngest son Jesse Byrd died in Stella ‘Recovery’ House on Marda Lane in Annapolis on February 16th 2022. Jesse died of Fentanyl poisoning 5 days after entering Stella House. There were 10 people in that house at the time of my son’s death and no one saved his life. My life and that of Jesse’s brother and father are forever changed because of illicit fentanyl.

This bill will help put drug dealers away for a period of time that will save lives. We have to start sending a message to drug dealers that says we are tired of children dying to illicit fentanyl. This continues to be an attack on American citizens that is destroying families not only in our state but across our country. It is leaving families devastated. I may never know the drug dealer that killed my son but I do know that if stricter laws and harsher penalties are put into place it WILL save the lives of others.

It won’t bring back my child but it may just save one of yours.

Thank you,
Debbie Santini
Devasted mom

EdithMontalvan.pdf

Uploaded by: Edith Montalvan

Position: FAV

Mi nombre es Edith Montalvan y soy la madre de Ashleigh Edwards, estudiante de John F. Kennedy de 16 años, quien murió trágicamente por una sobredosis de fentanilo el 14 de enero de 2023. El fentanilo está destruyendo comunidades y causando estragos irreparables. No podemos quedarnos de brazos cruzados ante esta crisis que le está arrebatando la vida a nuestros jóvenes.

No existe dolor más grande para una madre que el perder a su hijo y peor aún de esta forma. La adicción es una enfermedad y nuestra comunidad inmigrante no cuenta ni con los recursos ni con las medidas necesarias para ayudar a los familiares y personas que se ven afectadas con esta enfermedad. Pero ustedes si pueden ayudarnos, endureciendo las leyes para frenar la venta y distribución de esta droga letal. Nadie va a devolverme a mi hija. Yo no pido castigo para los jóvenes consumidores. Mi punto aquí es que hagan lo que puedan para frenar la distribución y evitar otra víctima inocente, otra madre desconsolada como yo.

HB1245 - SB1075 Written Testimony Carroll County

Uploaded by: Haven Shoemaker, Jr.

Position: FAV

HAVEN N. SHOEMAKER, JR.
STATE'S ATTORNEY



410-386-2671
carrollcountystatesattorney.org

House Bill (HB) 1245 & Senate Bill (SB) 1075

Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria¹ and Scottie's² Law)

DATE : March 5, 2024
COMMITTEE: House Judiciary & Senate Judicial Proceedings
POSITION: FAVORABLE

Dear Chairman and Committee Members:

PURPORTED PURPOSE: HB1245 and SB1075 creates a separate crime for dealing heroin or fentanyl or drugs laced with either that results in the death or serious bodily injury to another. These Bills would make it a felony to deal these deadly drugs and impose a penalty of up to 20 years imprisonment.

CURRENT STATE OF THE LAW

In *State v. Thomas*, 464 Md. 133 (2019), Maryland's highest court held a distributor of heroin may be convicted of gross negligence involuntary manslaughter if there is sufficient evidence to prove that the distributor's conduct was both the actual and legal cause of a buyer's fatal overdose. The Court further held that the evidence must be reviewed on a case-by-case basis to determine the degree of gross negligence required and whether a sufficient causal connection exists between such gross negligence and the fatal overdose of a buyer. *Id.* at 211. In order to convict a dealer under *Thomas*, a prosecutor has to prove that the dealer's actions were wanton and reckless because of the dangers inherent in the distribution and consumption of heroin of unknown potency carrying with it a high degree of risk to human life. *Id.* at 164-65, 169, 211.

The standard set forth in *Thomas* is a difficult standard to prove and given the deadly nature of the threat of fentanyl, a legislative fix is needed, so pushers as poison can be charged with more than mere drug distribution. *Thomas* also does not deal with cases where someone might not die from an overdose, but instead, suffers serious bodily injury.

FENTANYL FACTS

- According to the federal Drug Enforcement Administration (DEA), 2 milligrams or 0.00007 ounces is enough to kill you; the average housefly weighs 12 milligrams.³

¹ On May 25, 2022, Victoria Garofolo, of Hampstead, died of an overdose of drugs laced with fentanyl at the age of 18.

² On April 12, 2019, Scott D. "Scottie" Broadfoot, Jr., of Taneytown, died of a fentanyl overdose at the age of 21.

³ <https://www.jacksoncountycombat.com/818/Get-The-Fentanyl-Facts#seeit> (last visited February 26, 2024).

- Illicit fentanyl, primarily manufactured in foreign clandestine labs and smuggled into the United States through Mexico, is being distributed across the country and sold on the illegal drug market. Fentanyl is being mixed in with other illicit drugs to increase the potency of the drug, sold as powders and nasal sprays, and increasingly pressed into pills made to look like legitimate prescription opioids.⁴
- DEA analysis has found counterfeit pills ranging from .02 to 5.1 milligrams (more than twice the lethal dose) of fentanyl per tablet, and 42% of pills tested for fentanyl contained at least 2 mg of fentanyl, a potentially lethal dose.⁵
- According to the CDC, synthetic opioids (like fentanyl) are the primary driver of overdose deaths in the United States. Comparison between 12 months-ending January 31, 2020 and the 12 months-ending January 31, 2021 during this period: overdose deaths involving opioids rose 38.1 percent, and overdose deaths involving synthetic opioids (primarily illicitly manufactured fentanyl) rose 55.6 percent and appear to be the primary driver of the increase in total drug overdose deaths.⁶
- In Maryland last year there were 2,586 deadly overdoses and Fentanyl was involved in nearly 80% of them.⁷

PROVISIONS OF THE BILLS

- Provides a separate 20-year penalty for directly dealing heroin or fentanyl or drugs mixed with them or synthetic versions of heroin or fentanyl that results in death or serious bodily injury.
- The Bills provide no mandatory minimum, but in a recent Gonzales poll, 83% of Marylanders supported a 10-year mandatory sentence for such conduct.⁸
- Provides that anyone in the distribution chain may be prosecuted.
- Enables prosecution where the death or injury occurred or where the drugs were dealt.
- Contains a “Good Samaritan” provision for those who seek treatment for someone who is experiencing an overdose.

HB1245 and SB1075 provide an additional tool to deter and prosecute the purveyors of deadly poison in the State of Maryland, and I respectfully request a favorable report on both.

Haven N. Shoemaker, Jr.
Carroll County State’s Attorney

⁴ <https://www.dea.gov/resources/facts-about-fentanyl#:~:text=Two%20milligrams%20of%20fentanyl%20can%20be%20lethal%20depending,mg%20of%20fentanyl%2C%20considered%20a%20potentially%20lethal%20dose> (last visited February 26, 2024)

⁵ *Id.*

⁶ *Id.*

⁷ <https://foxbaltimore.com/news/local/carroll-county-states-attorney-wants-to-get-tougher-on-drug-dealers> (last visited February 26, 2024).

⁸ <https://htv-prod-media.s3.amazonaws.com/files/gonzales-poll-part-1-maryland-statewide-february-2024-65cb9fcf5b1e3.pdf> (last visited February 26, 2024).

IsisFlores.pdf

Uploaded by: Isis Flores

Position: FAV

BUENAS TARDES:

MY NOMBRE IS ISIS FLORES SOY LA MADRE DE YADER ROSA-FLORES

EL NIÑO MAS HERMOSO QUE JAMAS PUDIMOS HABER TENIDO EN NUESTRA FAMILIA QUE NOS LLENO DE AMOR Y FUERZAS PARA ENFRENTAR ESTA VIDA PERO AL MISMO TIEMPO NOS HISO SENTIR LO QUE ES PERDER NUESTRO MUNDO ENTERO CON SU PERDIDA A CAUSA DE ESTA DROGA FENTANILO YADER UN NIÑO DE 16 AÑOS MURIO UN NOVIEMBRE/10/2022 MIENTAS DORMIA PERSONALMENTE NUNCA HABIAMOS ESCUCHADO DE ELLA HASTA QUE NOS TOCO ENFRENTAR ESTA DESGRACIA Y VIVIR ESTE DOLOR HORRIBLE.

Estoy hoy aqui para ser la voz de las tantas victimas como mi hijo YADER MI YAYITO COMO LE LLAMABAMOS victima de estos narcotraficantes que traen esto para las escuelas, para las calles de nuestra ciudad para MATAR Y PIDO HOY HACER JUSTICIA YA POR ELLOS----- ERAN SERES HUMANOS QUE MERECEAN JUSTICIA.

Y COMO SE LAS DAREMOS, PIDIENDO A USTEDES QUE FUERON ELEGIDOS CAMBIAR LAS LEYES QUE ENDURESCAN A SU MAXIMO LAS LEYES DE CASTIGO A LOS QUE TRAFIQUEN ESTA DROGA PEDIMOS MAXIMA CONDENAS PEDIMO AYUDEN A LA POLICIA PARA QUE DETENGAN ESTOS ASESINOS CON LEYES A FAVOR DE NOSOTROS LAS VICTIMAS Y NO MAS A FAVOR DE ELLOS SIN IMPORTAR LA EDAD QUE TENGAN ESTOS NARCOTRAFICANTES Y QUE NO IMPORTE EL CONDADO , LA CIUDAD DONDE SEAN DETENIDOS CON ESTAS DROGAS PARA QUE PAGEN SUS DELITOS.

Como madre de una victima de esta catastrophe de este veneno que esta acabando con todo ser humano que tiene la desgracia de ingerirla ya sea niños, adultos ,mujeres. Hombres, toda clase social y razas . CONFIO QUE USTEDES NOS APOYARAN GRACIAS

HB1245_Testimony_Jamelf_2024.pdf

Uploaded by: Jamel Freeman

Position: FAV

Chair Clippinger, Vice Chair Bartlett and Members of the Judiciary Committee:

Thank you for giving me the opportunity to testify and thank you, Delegate Tomlinson, for sponsoring this bill. My name is Jamel Freeman, I support this bill and speak on the behalf of those whose lives have resulted in the death and serious bodily injury from these controlled, dangerous substances. (heroin and/or fentanyl). I live in Frederick, Maryland County and unfortunately had to witness men and women who have left behind loved ones due to this worldwide health issue. From, diverse recovery rooms, ASAM 3.5 residential institutions, and addiction treatment centers is where I have continued to see these individuals not fully recover or overcome their challenges. I have sponsored men from the Narcotics and Alcoholics Anonymous meetings from Frederick, Hagerstown, Gaithersburg, and facilitated for the Maryland Department of Health for Peer Recovery Month in 2023.

This bill would not only help the lives of those who are in active use and in long term recovery but also deter those individuals who are distributing these controlled dangerous substances. These substances are often implanted in marijuana and circulate through the high schools and other recreational outlets where youth and adults cannot even determine that these more dangerous substances are embedded. By the time they have partaken in self-harming behavior, ingesting these drugs, the person is either dead by overdose or has an internal bodily injury for the rest of their life. Given the high profile of the dangers any individual who distributing heroin or fentanyl should not be given a light punishment. The act of knowing what they are distributing and what this dangerous substance can do gives them full comprehension of this drugs effect on a human being. Distributors must be held accountable, and sentencing cannot be taken lightly. This controlled dangerous substance/enemy does not care of your social economic background, race, culture, and/or religion. Its mission is to eliminate and destroy. I am happy to share my experience as a mobilizer and certified peer recovery support specialist during the Committee's questioning.

Thank you all for allowing me to share my experience, strength, and hope.

Jamel Freeman

2024-03-01 HB 1245 (Support).pdf

Uploaded by: Jared Albert

Position: FAV

CANDACE MCLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD HOWIE
Deputy Attorney General



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO
(410) 576-6581

March 1, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Jared Albert, Assistant Attorney General
Deputy Division Chief, Criminal Division, Office of the Attorney General

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

The Office of the Attorney General supports House Bill 1245 and urges a favorable report. This bill creates a new criminal offense for distributing heroin or fentanyl, or a chemical analogue of those, "the use of which results in the death or serious bodily injury of another." The offense is a felony which carries a sentence of up to 20 years which must be consecutive to any other sentence.

This bill would be an important tool in how we address the opioid epidemic. As of 2019, according to data from the Prescription Drug Abuse Policy System, 24 states and the federal government have laws which punish the distribution or delivery of drugs which result in a death. See <https://pdaps.org/datasets/drug-induced-homicide-1529945480-1549313265-1559075032>.

The most recent overdose data from the Maryland Department of Health is from 2021. See https://health.maryland.gov/vsa/Documents/Overdose/2021_AnnualIntoxDeathReport.pdf. That data shows that in 2021, there were 2,507 opioid-related overdose deaths in Maryland. This number is more than four times higher than the number of overdose deaths in 2012 (which was

648). The major driving force in this increase is the proliferation of fentanyl. Indeed, in 2021, of the 2,507 opioid-related deaths, 2,344, or 93.5%, involved fentanyl.

This bill allows Maryland to join 24 states and the federal government, including neighbors such as Pennsylvania, Delaware, and the District of Columbia, in making it illegal to distribute heroin or fentanyl, or a chemical analogue of those, the use of which results in the death or serious bodily injury of another. It should be noted that the federal version is punishable by a 20-year mandatory minimum. *See* 21 U.S.C. § 841(b).

In light of the severity of the opioid epidemic in Maryland, we need another tool at our disposal to seek justice for those who die from fatal overdoses. Most of the time, there is insufficient evidence to determine who distributed the drugs that the victim took which resulted in his/her death. However, when we are able to pinpoint who sold the drugs that led to the victim losing his/her life, the person who distributed those drugs should be subject to punishment above and beyond the ordinary punishment for selling drugs or possessing drugs with the intention to distribute them. This bill will bring greater accountability to those who sell these poisons within our communities and would provide a justified enhancement of the maximum sentence for those whose drug-distribution results in the death or serious bodily injury of another.

In *State v. Patrick Joseph Thomas*, 464 Md. 133, 180 (2019), the Supreme Court of Maryland, in a 4-3 opinion, affirmed a conviction for manslaughter for a Worcester County man who distributed heroin which caused a fatal overdose. However, in light of the narrow holding in *Thomas*, and in light of the limited 10-year penalty for manslaughter, *see* Maryland Annotated Code, Criminal Law Article, Section 2-308, this bill provides a sorely needed new avenue to seek justice for fatal overdose victims.

For these reasons, the Office of the Attorney General urges a favorable report on House Bill 1245.

cc: Committee Members

Jaymi Sterling HB1245 Letter in Favor.pdf

Uploaded by: Jaymi Sterling

Position: FAV

OFFICE OF THE STATE'S ATTORNEY

JAYMI STERLING
STATE'S ATTORNEY



CIRCUIT COURT
DIVISION

ST. MARY'S COUNTY, MARYLAND

March 1, 2024

The Honorable Luke Clippinger
Chairman, House of Delegates Judiciary Committee
6 Bladen Street
Annapolis, Maryland 21401

Dear Chairman Clippinger and Members of the Judiciary Committee:

As the State's Attorney for St. Mary's County, I write in strong support of HB1245—Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law). My office prosecutes offenses, including all violations of controlled dangerous substance laws and crimes against persons.

Fentanyl-related deaths have increased between 2017-2021 from 1,594 to 2,344—an alarming 47% increase over the five-year period.¹

In comparison, in 2021, there were 524 motor vehicle fatalities² and 649 total murders.^{3 4} The combined number of people killed by motor vehicles (524) and all total murders (649) is 1,173 total decedents. This means that Marylanders are 113.725% more likely to die from overdose by opioids than by any other type of murder or by motor vehicle fatality.

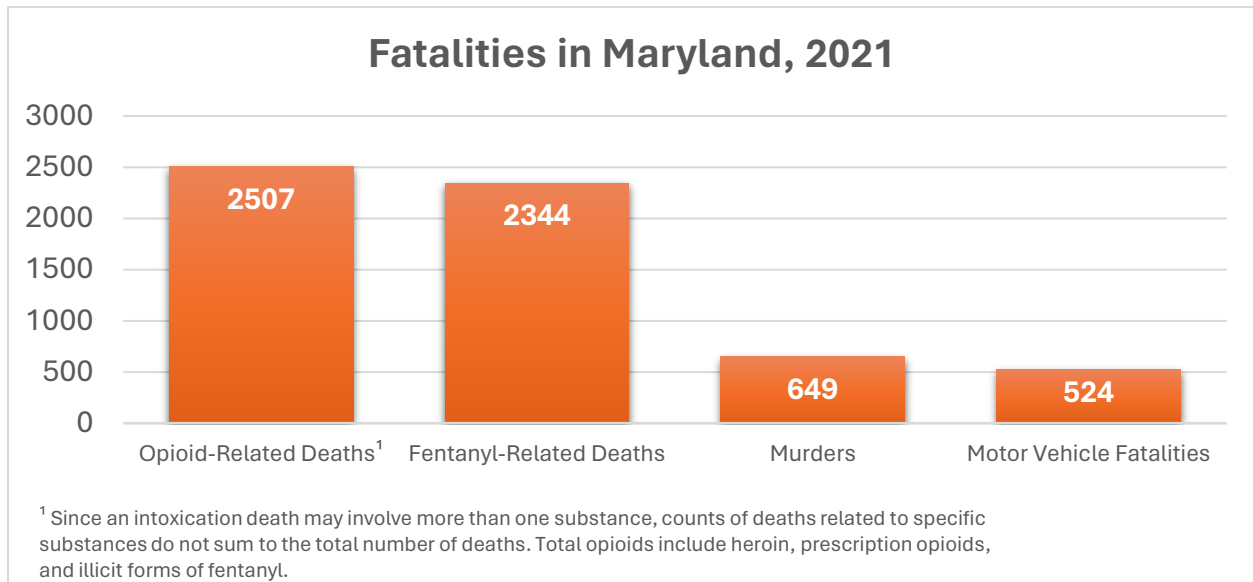
If you look purely at the raw data, in 2021, 649 people were murdered, 524 people were killed in a motor vehicle collision, and 2,507 people died as a result of an opioid overdose death. If you added the total number of people murdered (649) with the total number of people killed in a motor vehicle collision (524) and then doubled that number (2,346), that total number of deaths is still less than the opioid-related overdose deaths (2,507).

¹ Maryland Department of Health Vital Statistics Administration, Unintentional Drug- and Alcohol-Related Intoxication Deaths in Maryland, 2021, Opioid-Related Deaths, Number of Unintentional Opioid-Related Deaths Occurring in Maryland by Substance, 2012-2021: https://health.maryland.gov/vsa/Documents/Overdose/2021_AnnualIntoxDeathReport.pdf

² Maryland Department of Transportation, Highway Safety Office, Statewide Crash Summary Fatal Crashes, 2020: <https://zerodeathsmd.gov/resources/crashdata/>

³ Maryland Department of State Police, 2021 Uniform Crime Report, Summary Crime Index Offenses, Murder: <https://mdsp.maryland.gov/Document%20Downloads/2021%20Crime%20In%20Maryland%20Book-3.pdf>

⁴ "Total murders" to include murder by firearms, knives, poison, weapons, strangulation, and every related murder category with the exception of homicide by motor vehicle or overdose death.



And yet, Maryland currently has no law that holds the distributors of these poisons accountable when those actions result in the death of another.

Although some states, such as neighboring Pennsylvania, and the federal government, have enacted laws to address specifically the distribution of opioid drugs resulting in death, Maryland lags behind. This is in spite of the fact that **Maryland has the 11th highest opioid overdose death rate in the nation as of 2021.**⁵

HB1245 is a strong step in the right direction to ensure that those distributors of fentanyl and heroin are held responsible for the loss of life resulting from their criminal actions. It will bring a measure of justice to the family members of those lost to this deadly epidemic.

I have been an ardent advocate and fierce supporter of trying to strike the right balance and finding the right solution to take on this epidemic for nearly a decade – I strongly urge a favorable report on HB1245.

Respectfully,

Jaymi Sterling
State's Attorney for St. Mary's County

⁵ The last year for which statistics are available, according to the CDC:
https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm

HB 1245 - MoCo_Elrich_FAV (GA 24).pdf

Uploaded by: Marc Elrich

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

March 5, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Marc Elrich
County Executive

RE: House Bill 1245, *Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie’s Law)*
Support

I am writing to express my support for House Bill 1245, *Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie’s Law)*. The bill would prohibit an individual from distributing heroin or fentanyl that results in the death or serious bodily injury to another. The penalty upon conviction would increase from 10 years in jail to up to 20 years in jail – in alignment with federal law. The bill would further allow for the prosecution of a person to be brought in either the County where the drug violation occurred or in the County where the death or serious injury from the drug occurred.

Like the rest of the United States, Montgomery County has seen an increase in fentanyl overdose deaths that have had a heartbreaking impact on many families in our communities. According to the Centers for Disease Control and Prevention, more than 112,000 people died in the United States in 2023 of drug overdoses and poisonings, with almost 70% of those deaths attributed to synthetic opioids like fentanyl. It is no wonder. The Drug Enforcement Administration reports that fentanyl is approximately 50 times more potent than heroin and 100 times stronger than morphine.

This is not a new issue. For that reason, individuals trafficking in this deadly synthetic opioid must understand that there are serious criminal penalties for being involved in the distribution of what can lead to a fentanyl-induced death or serious bodily injury. Families across the State who have experienced an injury related to illicit fentanyl or suffered the loss of a loved one due to a fentanyl overdose, deserve to have justice.

I urge that the Committee adopt a favorable report.

cc: Members of the Judiciary Committee

Testimony of Michele kreider _2024-03-01_161614.pd

Uploaded by: Michele Kreider

Position: FAV

**Testimony From Michele Kreider
in Support of SB1075/HB1245
Distribution of Heroin and/or Fentanyl Causing Serious Bodily Injury of Death,
Victoria and Scottie's Law.**

As one of thousands of mothers who have a son that has succumbed to Fentanyl poisoning, Blair Ross Kreider was found dead at the age of 33 on 11/18/23. He had been battling addiction through a methadone program and obviously relapsed during the height of COVID isolation. He silently died alone and shamed by his addiction. Prior to his death, we talked about the possibility of moving him from the methadone program to another healthier means of recovery. The methadone program was a steppingstone to slowly adjust his body from addiction so that withdrawal might not be so severe.

Listed is what was found in Blair's toxicology report:

- Despropionyl fentanyl,
- 4-fluoroisobutryl fentanyl,
- methadone,
- morphine,
- xylazine

There is no doubt that Blair thought he was taking his drug of choice, but he also must have been aware of the chance he was taking. Addicts are most vulnerable to fentanyl poisoning/heroin. The police have not contacted me re an investigation, nor have they returned his cell phones that were taken as evidence. Who provided Blair with the deadly cocktail? A second chance at recovery is not possible with deadly drugs being laced into the drug supply.

A DEAD PERSON CANNOT BE TREATED!

FACTS:

Prior to the year 2020, most Americans, nor myself, was aware of an opioid called fentanyl. By

2020, drug deaths soured from 65,000. Moving forward to

2023, drug deaths peaked above 112,000 with fentanyl responsible for the majority of these deaths.

Fentanyl is now the leading cause of death among Americans age 18-45 and more recently, have also spiked as a killer of pregnant women. Young people and people of color are among the hardest hit and a deepening cultural divide over what to do about it.

Those who might experiment with drugs for the first time, or use drugs recreationally for a fun weekend, will come across a disguised fatal dose of fentanyl and will die.

Those who are already addicted, or struggling in sobriety programs are the most vulnerable and will eventually face an unpredictable cocktail of opioids that often includes fentanyl, and a fast-changing mix of new chemicals. My son, Blair, was one of these Americans.

References: CDC,. New Hampshire Public Radio (npr wypr 88.1 FM radio)

Politics of Fentanyl/Heroin 2024 – Why I am in support of SB1075/HB1245?

Politicians have promised to stop or sharply curtail fentanyl. To date, no one has proposed a plan that has accomplished that goal. In fact, most of the news I read, hear or watch on TV, do not give me any indication that our country's politicians consider this outrageous epidemic as a priority. Many more will die without the threat of incarceration.

- If the distributors are proven guilty of the charges outlined in this bill, this bill enforces accountability with a sentence for a minimum of 20 years.
- More importantly, it encourages an incentive for those who distribute, immunity from prosecution if they provide emergency medical assistance to the user (in good faith).

NFG statement for fentanyl penalties bill.pdf

Uploaded by: Natali Fani-González

Position: FAV

NATALI FANI-GONZÁLEZ
COUNCILMEMBER, DISTRICT 6

100 Maryland Ave
Rockville, MD 20850

CHAIR
Economic Development Committee (ECON)

MEMBER
Planning, Housing and Parks Committee (PHP)



MONTGOMERY COUNTY COUNCIL ROCKVILLE, MARYLAND

FAVORABLE
SB 1075 and HB 1245
Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
(Victoria and Scottie's Law)

March 1, 2024

Chair and Members of the Committee:

My name is Natali Fani-González, and I am a Councilmember in Montgomery County. I am here to speak **in support of SB 1075 and its companion HB 1245: Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)**.

I represent a very diverse district in Montgomery County in terms of socio-economics. It includes my hometown in Wheaton and the areas of Aspen Hill, Glenmont, Forest Glen and Rockville. I am here today with my neighbors and local businessowners urging you to please support and do everything in your power to pass this bipartisan bill. The legislation would allow the prosecution of the sale of fentanyl or heroin distribution that resulted in the death or serious bodily harm of an individual in the same jurisdiction, even if the sale and death don't occur in the same jurisdiction. The legislation would not penalize individuals with behavioral and mental health conditions, those helping under Good Samaritan law principles, individuals providing medical assistance, or those distributing the drugs without monetary gain or payment.

In Montgomery County, we are providing several prevention-focused initiatives intended to help youth and young adults avoid opioids and other substances altogether, including treatment centers for youth with substance-use disorder, but that is not enough. We need to update our criminal procedures to go after those selling these drugs and killing our children. Senate Bill 1075 and its companion HB 1245 represent a crucial step in holding drug distributors accountable and preventing further tragedies caused by these dangerous substances.

Thank you for your time.

Sincerely,

Natali Fani-González
Chair, Economic Development Committee

HB1245.Fentanyl.Picerno.Testimony.Memo.03012024.pdf

Uploaded by: Nick Picerno

Position: FAV



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.

RobertaVieira.pdf

Uploaded by: Roberta Vieira

Position: FAV

My name is Roberta Vieira, and I am a small business owner in Wheaton, Md. Over the past few years, my business has been robbed four times recently. Every other day, shoplifters hit my business and product are picked up from the shelves, these individuals are addicted to heroin and Fentanyl and the police is not able to able to apprehend them. These crimes have not only caused me financial strain but also emotional distress. I fully support State Bill SB 1075, which aims to strengthen criminal prosecution against the sale and distribution of these deadly drugs in Maryland. I believe that this bill will help protect small business owners like myself and prevent further robberies and crimes committed by individuals under the influence of heroin and Fentanyl. Thank you for considering this crucial legislation.

Willens Fentanyl Testimony.pdf

Uploaded by: Scott Willens

Position: FAV

Dear Maryland Assembly,

I have lost friends to substance abuse. Most were from liver cirrhosis as a complication of alcoholism, one was a fellow Army officer and veterinarian who overdosed on ketamine while deployed to Iraq together, and one was a family friend who overdosed on heroin. My understanding of the devastating effects of substance abuse may be grounded in significant scientific background, but that can never explain the emotional toll and senseless vacuum left in the loss of a loved one. I am grateful to have never lost a child or other immediate family member and cannot fathom that level of grief. I can only empathize as best as anyone with only tangential experiences can muster.

From the scientific standpoint, I have a DVM (Doctor of Veterinary Medicine) from University of Minnesota (1996), PhD in Comparative Biomedical Sciences (Pharmacology) from North Carolina State University (2005), and board certification in the American College of Veterinary Preventive Medicine (2013), a specialty that focuses on five core areas: Epidemiology and Biostatistics, Infectious and Parasitic Diseases, Environmental Health and Toxicology, Public Health Administration and Education, and Food Protection. In both clinical and in zoologic medicine, I have judiciously prescribed opioids, including fentanyl, and other controlled substances. With 27 years in clinical medicine and research, I have a deep appreciation for the impact of drugs and toxins at the cellular, tissue, organ, system, and organism levels.

I also retired from the United States Army as a Lieutenant Colonel with 20 years of active-duty service, including a 2007 Iraq War deployment and TS/SCI clearance. My subject matter expertise, including laboratory research, leadership, and policy, was exclusively in the medical chemical and biological defense arena, directly pertinent to the fentanyl crisis. My relevant positions included Co-Executive Secretary of the Defense Science Board Task Force on Countering Weapons of Mass Destruction as the Deputy Medical Director for the Deputy Assistant Secretary of Defense for Chemical and Biological Defense, Director of Research Programs for Walter Reed Army Institute of Research, Deputy Commander for U.S. Army Center for Environmental Health Research, Deputy Director for Grants Management for Congressionally Directed Medical Research Programs, and S3 (Chief of Operations and Plans) and Deputy Division Chief for Analytical Toxicology Division at U.S. Army Medical Research Institute of Chemical Defense.

Make no mistake, chemical warfare is being waged on us, on our children. Our adversaries, particularly China, are capitalizing on our porous border to facilitate trafficking, just as they are trafficking in persons and weapons, and emboldened gangs like MS-13. Emerging and re-emerging infectious diseases, including measles, whooping cough, tuberculosis, and leprosy, are likewise making their way across our southern border, and our overburdened health care, education, and criminal justice systems cannot handle the influx, as every state is now a border state. National security lessons learned from COVID-19 were never applied to our common biological and chemical defense as it pertains to illegal immigration.

Recent legalization of marijuana, demoralization and disrespect of law enforcement, and lax prosecution have further exacerbated an untenable situation for gateway abuse, a dumbing down of a pacified populace, and a slippery slope for decriminalization of harder drugs. Of course, the War on Drugs was never victorious because it was never successfully waged. As King Aragorn stated in *The Lord of the Rings: The Two Towers*, "Open war is upon you, whether you would risk it or not." The War on Drugs has been circumvented by our own government, encouraged by pharma, enabled by lazy and irresponsible physicians, and now actively dismissed by a woke agenda that prioritizes Diversity Equity and Inclusion concerns over law and order. For a generation that claims to be driven to "follow the science," I pray that the sanity of this legislation, grounded in both science and national security, will prevail. As a father, I pray for the future of my three children. The distributors of fentanyl and other deadly poisons are the final, if not the most culpable and personal, accomplices in a war that began on the other side of the world and ends in murder.

v/r

LTC (USA, Ret) Scott Willens, DVM, PhD, DACVPM

Written Testimony for HB1245 by Shelley Debelius.p

Uploaded by: Shelley Debelius

Position: FAV

Written Testimony for SB1075/HB1245

Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death – Victoria and Scottie’s Law.

I am in favor of Bill SB1075/HB1245.

September 19, 2021 I lost my brother Adam to Fentanyl poisoning. He thought he had purchased Heroin, but in fact it was a mix of 3 types of Fentanyl. He died instantly.

This day changed our family forever. Adam was fighting his depression. He had always struggled with his mental health as an adult. He didn’t get hooked on heroin until he was 31. He was an EMT in Baltimore City at the time.

He wanted so much to be rid of this demon.

In the months preceding his untimely death, he was really struggling with his depression as I mentioned earlier. 2 weeks prior to September 19th, he had told my mom he was having suicidal thoughts and wanted to kill himself. He made an appointment at a very well-known outpatient facility and was told after his appointment that they could not help him since he was uninsured. We believe it was at that moment, he contacted a dealer and started using again after being clean for years. I begged him to let me take him to the Emergency Room. But it was still during the time of Covid with high ER waiting room times and he kept promising he was all right. He was fine.

The day of September 19th arrived, and Adam and my mom had a little argument the day before, so she was trying to give him some space. Too much space that she blames herself for every day. Around 9:30 that night, she had found Adam in his bathroom, needle still in arm. He had died approximately 2 hours before. He was just looking to ease his pain, not die. He shouldn’t have died this way.

My family started a Non-Profit in his name- Adam’s Light to spread the news of addiction and help those that are fighting this fight every day.

This past August 31st we hosted our 2nd annual International Overdose Awareness Day Event. I had reached out to many elected leaders and only 1 showed up and supported our cause- County Councilman David Marks. I contacted multiple news outlets several times to do a story on Overdose Awareness Day and never heard back from any of them. No one wants to talk about it.

There is a stigma around addiction. We will continue to share Adam’s story. We will continue to support those in our community who are still fighting. We will help those when and where we can with the resources we have. But it is time for people to be held accountable for the thousands and thousands of dying every day/month/year. This bill is a small piece of the puzzle, but a start. The problem unfortunately is so much bigger than the few of us testifying and the community leaders voting on this bill.

Thank you for your time.

Shelley Debelius

Founder Adam’s Light, Inc.

501(c)(3) non profit

HB1245 Written Testimony Carroll County State's A

Uploaded by: Tim Weber

Position: FAV

HAVEN N. SHOEMAKER, JR.
STATE'S ATTORNEY



410-386-2671
carrollcountystatesattorney.org

House Bill (HB) 1245 & Senate Bill (SB) 1075

Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria¹ and Scottie's² Law)

DATE : March 5, 2024
COMMITTEE: House Judiciary & Senate Judicial Proceedings
POSITION: FAVORABLE

Dear Chairman and Committee Members:

I am writing to express my wholehearted support of Victoria and Scottie's Law and ask for a favorable report. My endorsement stems from two distinct perspectives, both of which highlight the urgent need for legislative measures to address the escalating fentanyl crisis.

In my professional capacity as the Community Education & Outreach Liaison for the Office of the State's Attorney in Carroll County, I witness firsthand the devastating impact of fentanyl on our community. My role involves assisting individuals entangled in the court system and aiding citizens grappling with substance use disorders, particularly those who have experienced overdoses. Shockingly, the prevalence of fentanyl-related incidents has surged dramatically since 2016. It is important to highlight that Naloxone may not consistently prove effective, and there might be an insufficient supply to mitigate the effects of fentanyl, especially considering that it may require up to three times the usual dosage used for heroin or other opiates. Among the individuals I encounter, a concerning majority are unknowingly using fentanyl, emphasizing the urgency of intervention.

The alarming rise in fatal overdoses attributed to fentanyl is another pressing concern. Tragically, those selling these lethal substances are fully aware of the nature of the drugs they distribute. This clear knowledge on their part demands a decisive response to curb the explosion of fentanyl in our community. Another misconception is the actual "dealers" of fentanyl rarely are users of the death they peddle. Therefore, I strongly advocate for the passage of the Bill currently under your consideration.

On a personal note, as someone in long-term recovery from a substance use disorder, I am acutely aware of the challenges posed by addiction. Having battled a 15-year addiction to heroin in the past, I can attest to the profound impact of being ensnared by substances that jeopardize one's life. In today's context, where fentanyl has become the primary substance in opioid addiction, the risks are even greater. Especially to unknowing victims of these fatal poisonings.

During my struggle with substance dependency, I dealt with suppliers who, though not using the substances personally, deliberately provided me with heroin mixed with unidentified substances on a consistent basis. Today, the situation has escalated with fentanyl being the predominant drug of choice. I firmly believe that imposing substantial jail time for those trafficking in fentanyl that leads to a death can serve as a deterrent, particularly for individuals who do not use the drugs they sell.

There might be skepticism about why one would persist in helping those involved in illicit drug use. In response, I emphasize that my life's calling has been to save lives. Having been on the other side of the struggle, I have dedicated over two decades to actively contributing on the front lines, working towards positive change in my community. I am just one individual among many nationwide who remains unwavering in our commitment to this vital mission.

While deterrents may not dissuade those in the throes of addiction, they can potentially influence the behavior of those profiting from the sale of these dangerous substances. The proposed Bill, with its stringent penalties, has the potential to disrupt the supply chain of fentanyl and safeguard lives.

I appreciate your thoughtful consideration of this matter and your commitment to addressing the critical issue of fentanyl proliferation. Your support for Victoria and Scottie's Law is paramount in protecting our community from further harm.

Sincerely,

Tim Weber, CPP

Community Education & Outreach Liaison

Office of the State's Attorney

Tweber@carrollcountymd.gov

410-386-2671

NCADD-MD - 2024 HB 1245 UNF - Heroin and Fentanyl

Uploaded by: Ann Ciekot

Position: UNF



House Judiciary Committee

March 5, 2024

House Bill 1245 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law)

Oppose

NCADD-Maryland respectfully opposes the increased penalty proposed in House Bill 1245. The crisis of opioid overdoses is one we know the entire community is affected by and is trying to respond to. NCADD-Maryland appreciates that the intent of the sponsor and supporters of this bill is to help address this serious problem. For too many decades we have tried to arrest and prosecute our way out of drug addiction. And we have failed.

Instead of creating more and longer criminal penalties, we need a bigger and stronger array of positive tools in our work to address substance use disorders, provide better interventions, and reduce the demand for opioids and other drugs. In recent years, Maryland has made progress with things like making the life-saving drug naloxone more available, expanding syringe services programs, and certifying peer recovery specialists.

Another positive step was the creation of the state's Good Samaritan law. We are appreciative that the bill includes a small expansion of Good Samaritan. It is important that we do not inadvertently discourage people from calling 911 for help.

We are also appreciative that the bill has language intended to exclude the sharing of drugs in the definition of distribution. We are not, however, convinced it will be effective. When two people pool their money to purchase drugs to share, we believe law enforcement will still be able to arrest people by claiming that money changed hands.

We know the intent of this bill is to get to the higher level dealers. We know that in practice, this bill will be used to pile on charges to put pressure on people who also have substance use disorders, and will in effect lead to longer sentences for those who really need help. While the overdose crisis pulls at our hearts and we instinctively want to lock up people who sell drugs to our loved ones, we have to look at a long history that shows we cannot arrest our way out of the disease of addiction. This is true about the overdose crisis as well.

NCADD-Maryland a public health crisis demands a public health response, not a proposal for enhanced criminal penalties. There is much we can do together to reduce opioid overdoses and deaths. This proposal will not accomplish that goal.

We ask for an unfavorable report on House Bill 1245.

HB 1245_Drug-induced homicide_BHSB_FAVORABLE.pdf

Uploaded by: Dan Rabbitt

Position: UNF



March 5, 2024

**House Judiciary Committee
TESTIMONY IN OPPOSITION**

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

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 100,000 people with mental illness and substance use disorders (collectively referred to as "behavioral health") annually.

Behavioral Health System Baltimore strongly opposes HB 1245 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law). This punitive measure would only worsen the opioid epidemic in our state and result in more fatal overdoses. This approach is misguided, and we urge an unfavorable report.

The number of overdose deaths in Maryland has skyrocketed in the last ten years. About 2,500 people die of fatal overdose in the state every year, including 1,000 who die in Baltimore City.¹ Preventing this unconscionable loss of life must be the state's top priority.

Unfortunately, HB 1245 will make our opioid epidemic worse. The enhanced penalties included in HB1245 will have minimal effect on the availability of drugs or the composition of the drug supply. Punitive deterrents have been tried for over 50 years and have yet to deliver any evidence that they reduce drug use and its associated harms. What this bill will do is engender fear among people who use drugs. Stories of this legislation and any potential prosecutions will rightfully lead people who use drugs to be more cautious and reticent to come out of the shadows. It will reduce participation in harm reduction programming and reduce the likelihood that potentially reversible overdoses are reported. In short, it will result in more fatalities and more heartbreak for the loved ones of people who use drugs.

The bill attempts to provide some protection to individuals who share drugs without compensation and who report overdoses under Good Samaritan protections. These are appreciated but they will not prevent the chilling effect this bill will have on the likelihood that overdoses are reported.

Maryland needs evidence-based overdose prevention strategies, not failed strategies to criminalize our way out of the overdose epidemic. **BHSB urges the House Judiciary Committee to reject HB 1245.**

For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142

References:

¹ Maryland's Overdose Data Dashboard, available at: <https://stopoverdose.maryland.gov/dashboard/>

_HB1245 Karnes Testimony (1).pdf

Uploaded by: Lauren Karnes

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

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.

Authored by: Lauren Karnes, CPRS / Lauren.Karnes@maryland.gov / 443-822-1339

Replacement testimony

Uploaded by: Linda Miller

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq., Staff
410-260-1523
RE: House Bill 1245
Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily
Injury or Death (Victoria and Scottie's Law)
DATE: February 28, 2024
(3/5)
POSITION: Oppose

The Maryland Judiciary has no position on the policy aims of this legislation and only opposes the provision on page 2, lines 30 through 32, which requires that a sentence imposed shall be consecutive. The Judiciary traditionally opposes legislation that includes mandatory provisions as they intrude on judicial discretion. The Judiciary believes it is important for judges to weigh the unique facts and circumstances for each individual case when imposing a sentence. Mandatory provisions prevent the judge from considering those unique factors. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Chris Tomlinson
Judicial Council
Legislative Committee
Kelley O'Connor

SB1075_HB1245.FINAL.pdf

Uploaded by: T. Shekhinah Braveheart

Position: UNF



TESTIMONY BY T. Shekhinah Braveheart

Policy Associate, Justice Policy Institute

tbraveheart@justicepolicy.org

House Bill 1245

Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death

(Victoria and Scottie's Law)

Tuesday, March 5, 2024

Chairperson and committee members, thank you for your time on this critical issue. I am Shekhiñah Braveheart, a policy associate with the Justice Policy Institute (JPI). JPI is a national research and policy advocacy organization working with communities most impacted by crime and the criminal legal system to build better safety solutions. I am here today to testify in opposition to House Bill 1245, which does nothing to improve public safety, takes resources away from treatment and prevention, and disproportionately affects historically disadvantaged communities of color. This bill is a short-sighted response to an emotionally charged issue that is not grounded in evidence or best practices and ignores the large body of research that shows that longer sentences simply do not deter crime or improve public safety.

HB1245 Is Not Public Safety Legislation. Mass incarceration and shameful rates of racial disparity in Maryland were forged from the good intentions of improving public safety. Most of these policies, such as mandatory minimums and longer sentences, were blunt objects that had little relationship to the causes of crime and were passed in the wake of high-profile crimes with little time for careful debate. These policies did not make communities safer but instead destroyed lives. Research confirms [that long prison sentences do not deter crime; but rather, the probability of being caught is the most significant deterrent](#). If longer prison sentences deter crime, then by that logic, the United States should be one of the safest places on the planet, as we possess one of the highest incarceration rates in the world. Without supporting evidence, policymakers continue down a failed path with efforts like HB1245, leaving gaping community investment needs unmet.

Less Money for Treatment and Prevention. [Every dollar invested in someone's treatment needs saves several dollars in the long term in crime, corrections, and community health costs, a far wiser investment than adding years to someone's sentence](#). If we continue to place such strong emphasis on reactionary punitive measures in our approach to public safety, it will continue to starve out

programs that address the root causes of criminal behavior through treatment and rehabilitation programs.

Bills Like HB1245 Have Historically Been Felt Most in Black and Poor Communities. The destructive consequences of mass incarceration are concentrated in neighborhoods chronically under-resourced and face many challenges, including a lack of educational and employment opportunities and high crime rates. Criminologist Todd Clear referred to the underlying strategy of mass incarceration as attempting to make communities safer through [“addition by subtraction.”](#) His research revealed that the disruption caused by aggressive arrest and incarceration patterns destabilized communities and can lead to *increasing* crime.

Investment Choices Matter

JPI believes safe and healthy communities reflect intentional decisions by civic leaders and community stakeholders on where and what forms of resources to invest. [Our historically disadvantaged communities receive less for prevention and more for prosecution and prisons.](#)

A new report by JPI, [The Right Investment 2.0: How Maryland Can Create Safe and Healthy Communities](#), combines data from the Maryland Department of Public Safety and Correctional Services and the Baltimore Neighborhood Indicator Alliance, a research organization affiliated with the University of Baltimore, to reveal how neighborhoods with the highest number of residents in state prisons experience the lowest levels of community wellbeing as measured by an array of more than 60 indicators covering employment, education, health, housing and more.

The false hope that we will achieve public safety by continuing to make considerable investments in the criminal legal system discourages the innovation needed to address the root causes of drug abuse and crime. It is time for a novel approach that centers on the needs of those most impacted by addiction and the criminal legal system. As a Marylander, I respectfully request that the House Judiciary Committee be bold and chart a new, evidence-based course for public safety. You may start by issuing an unfavorable report on HB 1245. Thank you for your service to our great state.