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**Senate Bill 604: Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
(Victoria, Scottie, Ashleigh, and Yader's Law)**

Hearing before the Senate Committee on Judicial Proceedings, February 12, 2025

Position: UNFAVORABLE

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC provides advice and representation to low-income clients, advocates before legislatures and government agencies, and collaborates with community and advocacy organizations; we actively incorporate anti-racism and racial equity goals into our advocacy work. The **PJC opposes SB 604** Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death. This bill would create a new enhanced penalty of up to 20 years in prison for those found liable for a fatal overdose. This approach of using longer prison sentences to address problems related to drug use has been tried before and has failed.

The overdose epidemic has tragically cost the lives of thousands of Marylanders. The General Assembly should focus on proven solutions that prevent overdose like evidence-based treatment and education to bring an end to this crisis. Laws like SB 604, often called drug-induced homicide (DIH) laws, claim to prevent overdose by using harsh penalties as a deterrent. SB 604 proposes up to 20 additional years for those liable for distributing heroin or fentanyl that results in a fatal overdose. Distributing fentanyl already carries a penalty of up to 30 years in prison. Incarceration cannot treat a health crisis. Proponents of DIH laws claim they are intended to target "dealers" and cartels; in reality, law enforcement often targets "low level offenders" and people who use drugs.

DIH laws like SB 604 have other unintended consequences. DIH prosecutions will discourage people who use drugs from reporting potentially reversible overdoses for fear of harsh criminal penalties. SB 604 only offers limited protections for those reporting overdoses, and it is likely that some who report overdoses will be prosecuted. This will discourage scores of others who use drugs from reporting overdose, potentially increasing the number of fatalities.

For these reasons, the Public Justice Center urges **the House Judiciary Committee to issue SB 604 an unfavorable report**. Thank you for your consideration of our testimony.

For more information, please contact:

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