

February 12, 2025

Senate Judicial Proceedings Committee
TESTIMONY IN OPPOSITION

SB 604 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death

(Victoria, Scottie, Ashleigh, and Yader's Law)

I strongly opposes SB 604 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law). 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 and longer prison sentences to address problems related to drug use has been tried before and has failed. We urge the General Assembly to instead focus on proven solutions that prevent overdose like evidence-based treatment and education. The overdose epidemic has been a tragedy that has cost the lives of thousands of Marylanders. The General Assembly should prioritize preventing overdose and bringing an end to this crisis. Unfortunately, SB604 is counterproductive despite being well-intended. Laws like SB604, often called drug-induced homicide (DIH) laws, seek to prevent overdose by using harsh penalties as a deterrent. SB604 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. The threat of 50 years in prison will be no more effective of a deterrent than 30 years. While the deterrent effect of SB604 will be negligible, it will impact mass incarceration and state prison costs. DIH laws like SB604 also have unintended consequences. DIH prosecutions will discourage people who use drugs from reporting potentially reversible overdoses for fear of harsh criminal penalties. SB604 has some protections for those reporting overdoses but they do not apply to all scenarios. If SB604 passes, it is likely that some who report overdoses will get prosecuted for DIH. That will discourage scores of others who use drugs from reporting overdose, potentially increasing the number of fatalities rather than improving the overdose epidemic. The General Assembly should focus on investments in prevention and treatment rather than new harsh penalties.

Thank you,

Keely Fitzpatrick