



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)*

My name is **Clayton Appleby**, and I am a **Certified Peer Recovery Specialist** with over eight years of experience in the field and ten years of lived experience in recovery.

**Clayton Appleby, of ACR, 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.

In 2017, I lost my best friend to an overdose. In 2020, I was contacted for questioning about his associates—an experience that I found deeply unhelpful and even harmful. Instead of offering support to those struggling with addiction, these approaches risk pushing people further away from recovery and into isolation. I have seen firsthand that punitive measures do not work. The individuals most affected by this bill are often those in active addiction, not large-scale traffickers, and they need access to evidence-based treatment, not more time behind bars. In addition to its harmful consequences, this bill contradicts the Whole Life Recovery principles that guide evidence-based approaches at Addiction Connections Resource (ACR). ACR recognizes that recovery is a long-term process requiring sustained support, access to treatment, and harm reduction strategies—not punitive measures that isolate individuals and discourage help-seeking behavior."

The General Assembly should focus on investments in prevention and treatment rather than new harsh penalties. Clayton Appleby, of Addiction Connections Resource, urges the Senate Judicial Proceedings Committee to oppose SB 604.