

Bill SB0432/HB0499
Support with amendments (FWA)

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My name is Steven McDonald. I live in Charles County. I am also an out for justice member. I'm here to ask for an amendment to add section **5-701** to expungement article. In expungement article 10-110 Under an existing section **5-601 (2) (ii)** and now **section 8-601(B) (3) (Counterfeiting prescription)** being introduced. In both statutes text language, my current charge intended to be covered. Charge **prescription obtain alter order** is covered in section **5-701 (d) (4) dispensing prescription drugs) CJIS : 1 -0267**. I'm asking for consideration to add section **5-701** due to legislation already covering my charge in two sections language. All three sections intend to cover all prescription crimes, but most charges are under **5-701** where many people are not eligible for expungement. Also, all charges in **5-701** are low level misdemeanors carrying max sentences of 2 years with the lowest seriousness Drug category **VII** under Maryland sentencing guidelines (**attached**)

My background is my criminal history was linked to a prescription opiate addiction I picked up in high school after I was in a severe car accident at 18 years old and without being educated on addiction from my doctor, I fell into a down spiral of chronic addiction to oxycontin that took 6 years of my life and family away from me. When I was released from incarceration in 2014, I set goals for myself and since I achieved. I graduated in 2020 from a five -year apprenticeship with local 5 plumbers and gas fitters with multiple licenses, and I recently passed my masters plumber's test. I have been drugfree for 10 years from all substances. I have a wife with three children now, which I'm the sole provider. But for me and many others I carry a burden of a criminal record that can't be expunged. It has had a tremendous hardship on my life and family. Even though I have my plumber licenses. Over 70% of jobs in the local 5 union are government or require a background check to be allowed on the job site and I'm being laid off constantly. Also I'm having trouble getting housing. I'm asking if you can add section **5-701 CJIS:1-0267** in the new legislation article 10-110. I would be extremely grateful, and it would benefit many others who lived through the prescription opioid crisis and have similar convictions. Thank you so much for your time and pray you will consider my request. This will help me, and others advance in their career and life ahead. Also I am a sponsor and a speaker in NA association and many recovering opioid addicts hundreds of people have related convictions and Violations of probation for simply being homeless or have relapsed and are not eligible for expungement when they recover. Thank you.

§ 5-601 (possessing or administer controlled dangerous substance) (Existing law)

- Possessing or administering controlled dangerous substance - prohibits a person from (1) possessing or administering to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or (2) obtaining or attempting to obtain a controlled dangerous substance, or procuring or attempting to procure the administration of a controlled dangerous substance by: (i) fraud, deceit, misrepresentation, or subterfuge; **(ii) the counterfeiting or alteration of a prescription or a written order;** (iii) the concealment of a material fact; (iv) the use of a false name or address; (v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or (vi) making, issuing, or presenting a false or counterfeit prescription or written order

§ 8-610 (Counterfeiting prescription) (Introduced in bill sb0432)

(a) In this section, "prescription" includes an order, paper, and recipe purported to have been made by an authorized provider, as defined in § 5-101 of this article, for a drug, medicine, or alcoholic beverage.

(b) A person may not:

(1) knowingly counterfeit, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting a prescription.

(2) knowingly issue, pass, or possess a counterfeit prescription; or

(3) obtain or attempt to obtain a prescription drug by fraud, deceit, or misrepresentation.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years.

§ 5-701 (D) (4) Dispensing prescription drug) (asking to amend into bill sb0432)

(4) obtain or attempt to obtain a prescription drug by:

(i) fraud, deceit, or misrepresentation;

(ii) the counterfeiting or altering of a prescription or written order;

(iii) concealing a material fact;

(iv) using a false name or address