



**Daniel Carl Torsch
Foundation**
New day. New beginning.

**Senate Judicial Proceedings Committee
TESTIMONY IN OPPOSITION 2/12/2025**

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

The Daniel Carl Torsch Foundation 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 of another new penalty for those who are thought to and found liable for a fatal overdose will do nothing to reduce fatal overdoses. The intent behind this bill may be guided by profound grief and well-meaning but it will only cause more harm. 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 focus on proven solutions that prevent an overdose like evidence-based programs, treatment and education.

While the intent of this bill is to target those involved in drug-related deaths, it primarily affects drug users – the low hanging fruit. Our outreach team are in Baltimore County and surrounding communities daily and to give you an example of a “drug deal” that we’ve seen: ***Jane goes to buy heroin capsules for herself and other friends, she hands out their share – they use and someone dies from an overdose – according to this bill, Jane can then be charged with homicide.*** The overdose epidemic has been a tragedy that has cost the lives of thousands of Marylanders. Laws like SB604, often called drug-induced homicide (DIH) laws, seek to prevent overdose by using harsh penalties as a deterrent. 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.

SB604 will certainly 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. It will not take long for the communities to learn about the new penalty and will discourage scores of others who use drugs from reporting an overdose, most likely increasing the number of fatalities rather than improving the overdose epidemic.

It is our hope that you focus on investments in prevention and treatment rather than new harsh penalties. **The Daniel Carl Torsch Foundation urges the Senate Judicial Proceedings Committee to oppose SB 604.**

Toni Torsch, Director