

**SB 925 - MSAA FWA.pdf**

Uploaded by: Patrick Gilbert

Position: FWA



## Maryland State's Attorneys' Association

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Rich Gibson  
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**DATE:** February 24, 2025

**BILL NUMBER:** SB 925

**POSITION:** Favorable with Amendment

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 925 with amendments that focus the bill exclusively on firearm offenses.

SB 925 makes a number of adjustments to Maryland's laws governing controlled dangerous substances and firearms. As regards firearms, this bill changes a number of the offenses contained in the Public Safety Article – including transfer of a stolen firearm and manufacture or sale of a firearm without a manufacturer's identification mark – from a misdemeanor violation to a felony. These provisions are well-considered and critically important, particularly given the proliferation of privately-manufactured firearms, or ghost guns, in our communities.

The resentencing procedures for certain serious drug convictions, as well as the decreased penalty for trafficking large amounts of cannabis, however, are ill-advised. Relaxing accountability for those convicted of these serious drug offenses, like trafficking large quantities of drugs or of organizing, financing, or supervising a conspiracy to traffic drugs, regardless of the underlying drug trafficked, sends a dangerous message – despite its legalization at the state level, Maryland's communities are still experiencing violence related to the illegal distribution of cannabis. Reducing penalties or revising sentences for these offenses gives a green light to those that would continue to disrupt our communities by engaging in illegal behavior backed by the violence inherent in the illegal drug trade.

**SB925\_FWA.pdf**

Uploaded by: Warren (Rusty) Carr

Position: FWA

SB925 Favorable with amendments

Warren (Rusty) Carr

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I support SB925 with amendments.

Please add the following language to title 5-101 4

Replace

5-101 4. (4) TWO OR FEWER CANNABIS PLANTS.

With

5-101 4. (4) TWO OR FEWER CANNABIS PLANTS; OR

(2) ANY ADDITIONAL CANNABIS PRODUCED BY A PERSON'S CANNABIS PLANT OR PLANTS, IF THE AMOUNT OF CANNABIS IN EXCESS OF THE AMOUNT LISTED IN ITEM (1)(I), (II), OR (III) OF THIS SUBSECTION IS PROCESSED IN A LOCATION:

(I) WHERE THE PLANT OR PLANTS WERE CULTIVATED; AND

(II) THAT IS SECURE FROM UNAUTHORIZED ACCESS AND ACCESS BY A PERSON WHO IS UNDER THE AGE OF 21 YEARS.

This language will allow home growers to legally possess and safely process their entire harvests without committing a criminal violation of 5-101.

I am a caregiver and an outdoor home grower. The patient I caregive for used to use a Fentanyl patch to treat chronic pain from Scoliosis. We now use a Healer tincture formula product that is regularly not available for months at a time. In those times my options are to travel to Maine get the product there or make this formula from flower. As an outdoor grower, I only have one harvest per year. Making multiple 30 day batches of tincture is a lot more work than doing it all at once. To what end?

In general, the personal limit for medical patients was designed to be a 30 day supply. The personal limit for adult use is a daily sales limit. Specifically, the personal limit for Cannabis plants allows all growers to easily grow more than a 30 day supply. A home

grower who yields 8 ounces of flower per plant is currently committing a criminal violation of the Cannabis possession limits. The personal limit should allow “keep what you grow” and “process what you grow” instead of forcing home growers to technically break the law by exceeding the personal limit once they harvest their plants. If there is no intent to enforce these limits, they should be dropped.

HB32 had language for home grow that allowed possession of any amount of Cannabis grown on the property. The requested amendment is the HB32 language. Other states have defined home possession limits (e.g. 5 pounds). The current law has both growers and regular adult use purchasers routinely violating possession limits at home. The world has not come to an end.

Please let's do what we can to take a small step forward. The purpose of the solvent portion of this bill was to address a legislative oversight. Let's please fix all of what was missed.

Thank you,  
Rusty Carr

**SB925\_UNFAV\_ACLUMD.pdf**

Uploaded by: Dara Johnson

Position: UNF



**Testimony for the Senate Judicial Proceedings Committee  
February 26, 2025**

**SB 925 – Criminal Law – Controlled Dangerous Substances and  
Firearms**

**UNFAVORABLE**

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The ACLU of Maryland opposes SB 925. Although we support the initial intent and spirit of the bill, we strongly oppose the amendments to reclassify certain firearm offenses from misdemeanors to felonies.

In particular, we support the provisions limiting the maximum criminal penalties for manufacturing, distributing, dispensing, or possessing large amounts of marijuana, and allowing individuals to petition to modify or reduce their sentences for a violation of §5-612 or §5-613 involving marijuana or less than 448 grams of cocaine base. Punitive sentencing policies in Maryland have already resulted in a deeply racially-disproportionate criminal justice system.<sup>1</sup> Research has shown that Black people are more vulnerable to serving longer sentences<sup>2</sup> and increasing criminal penalties does little to deter crime.<sup>3</sup> The bill's provisions limiting maximum penalties for certain offenses and providing pathways for sentence reconsideration will help address these persistent racial disparities and reduce unwarranted reliance on punitive criminal measures.

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<sup>1</sup> Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland (Nov. 6, 2019), Justice Policy Institute, <https://justicepolicy.org/research/policy-briefs-2019-rethinking-approaches-to-over-incarceration-of-black-young-adults-in-maryland/>.

<sup>2</sup>For example, see Maryland State Commission on Criminal Sentencing Policy, An Assessment of Racial Differences in Maryland Guidelines-Eligible Sentencing Events (updated December 19, 2023), [https://msccsp.org/Files/Reports/Sentencing\\_Racial\\_Differences\\_Assessment\\_July2023.pdf](https://msccsp.org/Files/Reports/Sentencing_Racial_Differences_Assessment_July2023.pdf).

<sup>3</sup> Don Stemen, The Prison Paradox: More Incarceration Will Not Make Us Safer. New York: Vera Institute of Justice, 2017, [https://www.vera.org/downloads/publications/for-the-record-prison-paradox\\_02.pdf](https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf).

However, SB 925 also seeks to implement harsher penalties for certain gun violations, despite overwhelming research showing that “tough on crime” initiatives are ineffective in reducing violent crimes, adverse to building needed trust in the police, and harmful to Black communities.

**We specifically oppose increased penalties for firearm violations from misdemeanors to felonies.**

SB 925 seeks to reclassify the penalties for (1) possessing, selling, transferring, or otherwise disposing of a stolen regulated firearm; (2) manufacturing a non-registered firearm or a firearm that has manufacturer identification marks removed; and (3) selling or offering to sell a handgun without proper manufacturer identification markings or is unregistered to a felony.

In passing the Justice Reinvestment Act of 2016, legislators expressed concern for Maryland’s bloated prison population and racial disparities in sentencing while addressing public safety. Instead of advancing these goals, SB 925 would just push more Black people into prison, with a minimal likelihood of having any impact on gun violence rates. Similar to the war on drugs, relying criminal measures to fight gun violence offers little benefit to public safety.

This was recently demonstrated in an analysis by the Marshall Project<sup>4</sup> reviewing the impact of illegal gun possession arrests in Chicago, which found that gun confiscation did not substantially reduce shooting rates despite being justified by police as a means to curtail violence. Of the 38,000 arrests for illegal gun possession in Chicago from 2010 to 2022, most resulted in felony charges with misleading labels like “aggravated” and other terms implying violence. However, as the study referenced, people convicted of felony gun possession in Illinois generally did not go on to commit a violent crime, and the majority of those sentenced to prison for gun possession did not have past convictions for violence.

In applying these lessons learned, it is clear that SB 925 would directly counter the legislature’s stated goal of reducing the bloated prison population by prescribing felony classifications, lengthy sentences, and high fines that would not reduce the targeted violence, but would increase harmful direct and collateral consequences for impacted communities.

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<sup>4</sup> Chavis, L., & Hing, G. (2023, March 23). The war on gun violence has failed. And Black men are paying the price. The Marshall Project. <https://www.themarshallproject.org/2023/03/23/gun-violence-possession-police-chicago>.



**Enhanced sentences yield little to no public safety benefits. Evidence shows that longer sentences do not deter crime more effectively than shorter sentences.**

There is no evidence that there is a public safety benefit to increasing sentencing lengths. Research consistently shows that higher incarceration rates are not associated with lower violent crime rates. The weak association between higher incarceration rates and lower crime rates applies almost entirely to property crime.<sup>5</sup> There is also growing evidence that, for many offenders, adding days, months, or years to prison sentences has no impact on recidivism.

Furthermore, according to the National Institute of Justice, it is the certainty of being caught that deters a person from committing a crime, not the fear of being punished or the severity of the punishment.<sup>6</sup> Focusing on minor or low-level offenses like illegal gun possession instead of the actual violent crime or gun traffickers has repeatedly proven ineffective in reducing violent crime. This is clearly demonstrated by a comparison between homicide rates versus gun seizures and arrests in Baltimore City: while 2019 had one of the highest homicide rates over the past 30 years with 348 murders, the number of gun possession arrests and seizures that year is almost the same as in 2011, a year that had one of the city's lowest homicide rates.<sup>7</sup>

Enhanced sentences are an expensive way to achieve little public safety. Instead of continuing to heap the high cost and disproportionate burdens of ineffective criminal punishment on people that suffer generational consequences from such harm, growing evidence shows that responses from outside the criminal legal system, like funding for community and hospital-based violence intervention programs, will actually help make communities safer.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on SB 925 unless amended.

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<sup>5</sup> Stemen, D. (2017). The prison paradox: More incarceration will not make us safer. Vera Institute of Justice. [https://www.vera.org/downloads/publications/for-the-record-prison-paradox\\_02.pdf](https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf).

<sup>6</sup> National Institute of Justice. (2016, June 5). Five things about deterrence. U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

<sup>7</sup> Soderberg, B. (2022, February 18). 30 years of gun seizures in Baltimore haven't kept the city safe. The Real News Network. Retrieved March 28, 2023, from <https://therealnews.com/30-years-of-gun-seizures-baltimore-havent-kept-the-city-safe>.

# **MCPA-MSA SB 925 Controlled Dangerous Substances an**

Uploaded by: Samira Jackson

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 26, 2025

RE: **SB 925 - Criminal Law - Controlled Dangerous Substances and Firearms**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 925**. This bill reduces penalties for cannabis volume dealers and drug kingpins from a felony to a misdemeanor; allows individuals who have been incarcerated as a volume dealer or drug kingpin or certain amounts of cocaine or cannabis to petition for a reduction or modification of their sentence; alters the penalties and classification for certain firearm offenses, and allows a person 21 years of age or older to manufacture personal amounts of cannabis so long as it's done without a "volatile solvent."

§5-612 of the Criminal Law Article, currently provides penalties for those who possess controlled dangerous substances in a large amount; the possession of these large amounts is often referred to as "volume dealer." The amount that triggers an enhanced penalty varies depending on the substance. §5-612 reflects an assessment of the perceived dangers associated with each substance. For example, a person is a volume dealer with 448 grams of phencyclidine, but only needs 28 grams for morphine.

§5-612 sets a level of fifty (50) pounds for cannabis. By way of comparison, 448 grams is roughly 0.98 pounds. In other words, one must have fifty times more cannabis than phencyclidine to be receive the same punishment. This 50:1 ratio is already a fair balance between the perceived lesser impact of cannabis and other controlled dangerous substances.

MCPA and MSA do not typically take a position on sentencing matters. In this instance, however, reducing the penalty for cannabis under certain situations is unwise. The current penalties are intended to respond to not only the dangerousness of the particular substance but also the dangers that are part and parcel of the illegal drug trade. In Maryland, the illegal cannabis trade is far more dangerous than the trade for other substances. Every day in this State,

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homicides, armed robberies, shootings, and illegal firearm possessions occur during or because of the illegal *cannabis* market. Reducing the penalties for cannabis might be sensible if cannabis dealing was less dangerous than dealing other substances. Unfortunately, the opposite is true. For these reasons, MCPA and MSA **OPPOSE SB 925** and request an **UNFAVORABLE** Committee report.

**sb925.pdf**

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 925  
Criminal Law – Controlled Dangerous Substances and Firearms  
**DATE:** February 4, 2025  
(2/26)  
**POSITION:** Oppose, only as to the mandatory provision on page 8, lines 5 through 6

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The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters. The Judiciary is not in opposition to the legislative prerogative to afford an additional opportunity to review a sentence.

The Judiciary's opposition is as to certain provisions, found on page 8, lines 5 through 6, which mandate that the court shall hold a hearing. The Judiciary would request that the word "shall" be amended to "may." A decision as to whether to hold a hearing, and the overall management of court dockets, should remain within the authority of the Judiciary.

cc. Hon. William Smith, Jr.  
Judicial Council  
Legislative Committee  
Kelley O'Connor