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February 14, 2025

The Honorable Luke Clippinger  
Chair, House Judiciary Committee  
6 Bladen Street, 101 House Office Building  
Annapolis, MD 21401

### **Re: HB 1398 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death - Favorable**

Dear Chair Clippinger:

I am writing today in support of HB 1398, which prohibits the distribution of heroin or fentanyl which results in the death or serious bodily injury of another. Under the bill, a violator would be guilty of a felony and subject to imprisonment for up to 20 years. It is important to point out that the bill specifically does not target persons who are *sharing* drugs with others. Rather, the focus is on the persons who profit from distributing these drugs.

For more than a decade, we have seen the devastating impact of opioid addiction and the deadly consequences of the illegal distribution of fentanyl and heroin in our communities. While we have strongly advocated for treatment for the addicted, those who choose to illegally distribute such extremely dangerous substances as fentanyl and heroin continue to prey on the public for profit and greed. Statistics tell us that currently 70% of opioid pills distributed on the streets contain fentanyl, while 40% contain enough fentanyl to kill.

Maryland prosecutors are asking for a tool to enable us to prosecute and bring to justice those involved in the illegal trade of fentanyl and heroin where death results. Federal prosecutors have had this tool for nearly 25 years. In the past, we have prosecuted cases utilizing the charges of depraved heart murder and manslaughter, but those offenses are generally cumbersome and impracticable to use in these matters. Moreover, I am a firm believer in *truth in pleading*, and the label of "manslaughter" simply does not accurately label the crime. The bottom line is that fentanyl and heroin dealers are purveyors of lethal drugs and merchants of death, and the statutory offense should accurately characterize their crimes.

HB 1398 is an important piece of legislation that will greatly assist with the prosecution of illegal distribution of fentanyl and heroin leading to death. It is a critical public safety issue and this bill will help save lives. I strongly urge a favorable report.

Sincerely,

*John J. McCarthy*

John J. McCarthy  
State's Attorney for  
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