

TESTIMONY IN OPPOSITION

HB 1398 Criminal Law - Penalties for Drug Distribution Resulting in Death or Serious Injury

I strongly oppose HB 1398 - Criminal Law - Penalties for Drug Distribution Resulting in Death or Serious Injury. This bill would create enhanced sentencing measures for individuals found responsible for drug-related deaths, exacerbating the cycle of incarceration and disproportionately harming marginalized communities. As a social worker, I have witnessed firsthand the devastating impact of punitive drug laws, which fail to address the root causes of substance use and instead perpetuate cycles of trauma and harm. We urge the General Assembly to focus on evidence-based solutions that prioritize treatment, harm reduction, and public health over punitive measures.

Maryland, like much of the nation, is grappling with an overdose crisis that requires compassionate, research-backed responses. While HB 1398 is framed as a deterrent, historical evidence shows that harsher penalties for drug-related offenses do not reduce substance use or overdose deaths. Instead, they fuel mass incarceration, tearing apart families and communities while failing to address underlying issues such as trauma, poverty, and lack of access to treatment. The criminalization of individuals involved in drug sales, many of whom are also struggling with substance use disorder, only deepens these systemic issues.

Decades of research in social work and public health demonstrate that punitive policies like HB 1398 disproportionately impact Black, Brown, and low-income individuals, exacerbating existing disparities. People who sell drugs are often doing so to survive, to support a substance use disorder, their families, or in response to coercion. Incarcerating them does not address the root causes of drug involvement and instead exposes them to further trauma, limiting their ability to access rehabilitation and reintegrate into society. The consequences of such policies are long-lasting, affecting employment, housing, and overall stability upon release.

As a social worker, I have worked with individuals who have experienced significant trauma, both before and during incarceration, due to punitive drug laws. Many of my clients have lost access to critical harm reduction services, healthcare, and community support because of incarceration. Instead of enhancing penalties, Maryland must invest in accessible treatment programs, housing support, and harm reduction strategies that are proven to reduce overdose deaths and substance use disorder. HB 1398 is not a solution—it is a continuation of failed policies that deepen harm and racial disparities.

The General Assembly should focus on investments in prevention and treatment rather than new harsh penalties. I, Katharine Evans, LCSW-C, urges the House Judiciary Committee to oppose HB 1398.

Thank you for your consideration.