



**Testimony for the House Judiciary Committee  
February 4, 2025**

**HB 413 Criminal Law – Controlled Dangerous Substances and  
Firearms**

**UNFAVORABLE**

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The ACLU of Maryland opposes HB 413. 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, HB 413 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.**

HB 413 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, HB 413 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 HB 413 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 HB 413 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>.