



DEPARTMENT OF POLICE

Marc Elrich
County Executive

Marc R. Yamada
Chief of Police

FAVORABLE
HB 1398 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily
Injury or Death
(Victoria, Scottie, Ashleigh and Yader's Law)

House Judiciary Committee

February 18th, 2025

My name is Nicholas Picerno, and I am a Captain with the Montgomery County Police Department (MCPD). I currently serve as the Director of the Special Operations Division. Previously, I spent three years as the Director of the Special Investigations Division, where I supervised several investigatory units, including our Drug Enforcement Section. I also spent several years in our Homicide Unit as both a Detective and a Supervisor, giving me firsthand experience in conducting and overseeing overdose investigations. Montgomery County Police is proud to have one of the nation's most robust overdose response programs. We have collaborated with major cities across the United States and internationally to develop overdose response protocols that hold drug dealers accountable. I am proud of our agency's efforts in advancing these investigations. I am also deeply proud of the families of overdose victims, who have demanded accountability for those whose actions led to the deaths of their loved ones. This cause is why I became involved in this area of legislation, and it is why I remain committed to addressing this crisis.

I fully recognize that the fentanyl overdose crisis in our community cannot be solved solely through enforcement strategies. While it is undoubtedly a public health issue, it is also a transnational and organized crime issue. Every overdose in Maryland can be traced to organized fentanyl distribution networks. While federal agencies play a role in combating narcotic distribution, local law enforcement cannot rely solely on federal authorities to investigate overdose-related cases in our communities.

The fentanyl crisis is unprecedented because fentanyl is unlike any drug we have encountered before. The Drug Enforcement Administration warns that "one pill can kill"—a statement that is tragically accurate. The most common method of fentanyl distribution is in pill form, where fentanyl is pressed into counterfeit tablets mixed with inert or benign

Chief J. Thomas Manger Public Safety Headquarters - 100 Edison Park Drive Gaithersburg, Maryland 20878
www.montgomerycountymd.gov - www.mymcpnews.com - ChiefMCPD@montgomerycountymd.gov

montgomerycountymd.gov/311



301-251-4850 TTY

substances. In Montgomery County, over 80% of suspected Oxycodone tested in our police lab has been identified as fentanyl.

There was a time when these pills were considered "counterfeit" because individuals unknowingly consumed fentanyl, believing it was another drug. However, over the past five years, we have learned that this is outdated thinking. Today, evidence shows that many individuals purchase fentanyl in pill form with full knowledge of what they are buying—and those selling it know exactly what they are distributing.

This legislation acknowledges the evolving landscape of illegal fentanyl distribution. Many jurisdictions refer to overdose investigations as "drug-induced homicides." Those who sell fentanyl know the risks associated with their product. This legislation strikes a balance between legitimate social concerns—such as protections under the Good Samaritan law and cases of distribution without remuneration—while ensuring that actual drug dealers are held accountable.

I want to thank Delegate Tomlinson, as well as Montgomery County Councilmember Natalie Fani-González. Their efforts to advance this legislation demonstrate not only their commitment to their constituencies and communities but also their recognition that the overdose crisis transcends political divides. Their work is proof that one can be compassionate toward those suffering from addiction and mental health struggles while also recognizing that there are individuals who exploit society's most vulnerable members.

Finally, I want to express my gratitude to the survivors. You will hear both written and oral testimony from those who have been directly impacted by the fentanyl crisis. I cannot pretend to understand the depth of their emotional suffering, but their loss is a tragedy that only they can truly memorialize. Their courage in sharing their experiences deserves our deepest appreciation.

On behalf of Police Chief Marc Yamada, we respectfully request that you issue a favorable report.