



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

FAVORABLE

SB 604/HB 1398 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh and Yader's Law)
Senate Judicial Proceedings Committee / House Judiciary Committee

February 10, 2025

Chairs and Members of the Committee:

We are writing **in support of SB 604 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh and Yader's Law)**, sponsored by Senators Jeff Waldstreicher and Justin Ready. **Also its companion HB 1398.**

Fentanyl is unlike any drug we have seen; unlike most opiates, fentanyl can be lethal with the first use. In Montgomery County, we are providing several prevention-focused initiatives intended to help youth and young adults avoid opioids and other substances altogether, including treatment centers for youth with substance-use disorder, but that is not enough.

Victoria, Scottie, Ashleigh and Yader's Law is named in honor of Victoria Garofolo, Scottie Broadfoot Jr., Ashleigh Edwards, and Yader Rosa Flores who passed away as the result of a fentanyl overdose. Both Ashleigh and Yader were from Montgomery County.

For Ashleigh, she was only 15 years old in 2023; for Yader, he was 16 years old back in 2022; for Victoria, she was 18 years old in 2022; and for Scottie, he was 21 years old back in 2019. In most cases, outside of charging the drug dealer with "distributing a controlled dangerous substance", it is almost impossible for State's Attorneys to hold a drug dealer accountable for selling a lethal product that results in the death of an individual.

The legislation would allow the prosecution of the sale of fentanyl or heroin distribution that resulted in the death or serious bodily harm of an individual in the same jurisdiction, even if the sale and death don't occur in the same jurisdiction. The legislation would not penalize individuals with behavioral and mental health conditions, those helping under Good Samaritan law principles, individuals providing medical assistance, or those distributing the drugs without monetary gain or payment. The legislation also would remove a procedural hurdle to prosecuting this crime in

situations where the sale of the fentanyl happens in one jurisdiction and the death or serious bodily injury happens in another.

We need to update our criminal procedures to go after those selling these drugs and killing our children. Senate Bill 604/House Bill 1398 represents a crucial step in holding drug distributors accountable and preventing further tragedies caused by these dangerous substances in our communities.

The overdose crisis is a health issue and also an organized crime issue. We know from law enforcement that every overdose that happens in Maryland can be traced to organized fentanyl dealers – these dealers prey on those in our most vulnerable communities, including young individuals like Victoria, Scottie, Ashleigh and Yader.

Over 30 states already have similar laws in place that allow prosecutors to hold opioid drug dealers accountable who sell a product that kills their customer. We urge the Maryland State Legislature to pass SB 604/HS 1398.

Respectfully,



Natali Fani-González
District 6 Councilmember



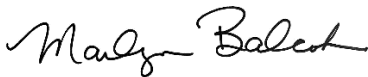
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District 7 Councilmember



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Evan Glass
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