



## TESTIMONY BY T. Shekhinah Braveheart

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### *House Bill 1398*

*Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death  
(Victoria and Scottie’s Law)*

House Judicial Proceedings Committee, thank you for your time on this critical issue. I am Shekhinah Braveheart, a Justice Policy Institute (JPI) policy associate. JPI is a national research and policy advocacy organization working with communities most impacted by crime and the criminal legal system to build better safety solutions. JPI strongly opposes Senate Bill 604. This bill is a short-sighted response to an emotionally charged issue not grounded in evidence or best practices. It largely ignores a significant body of research that shows that longer sentences do not deter crime or improve public safety.

Maryland’s overdose crisis is a public health issue, not a criminal one. Harsh penalties don’t save lives—they waste resources and harm communities. Investing in proven strategies like harm reduction, treatment access, and community support will lead to better health outcomes and safer communities.

**HB 1398 Is Not Public Safety Legislation.** Mass incarceration and shameful rates of racial disparity in Maryland were forged from the good intentions of improving public safety. Most of these policies, such as mandatory minimums and longer sentences, were blunt objects that had little relationship to the causes of crime and were passed in the wake of high-profile crimes with little time for careful debate. These policies did not make communities safer but instead destroyed lives. Research confirms [that long prison sentences do not deter crime; the probability of being caught is the most significant deterrent](#). If longer prison sentences deter crime, then by that logic, the United States should be one of the safest places on the planet, as we possess one of the highest incarceration rates in the world. Without supporting evidence, policymakers continue down a failed path with efforts like HB 1398, leaving gaping community investment needs unmet and communities at risk.

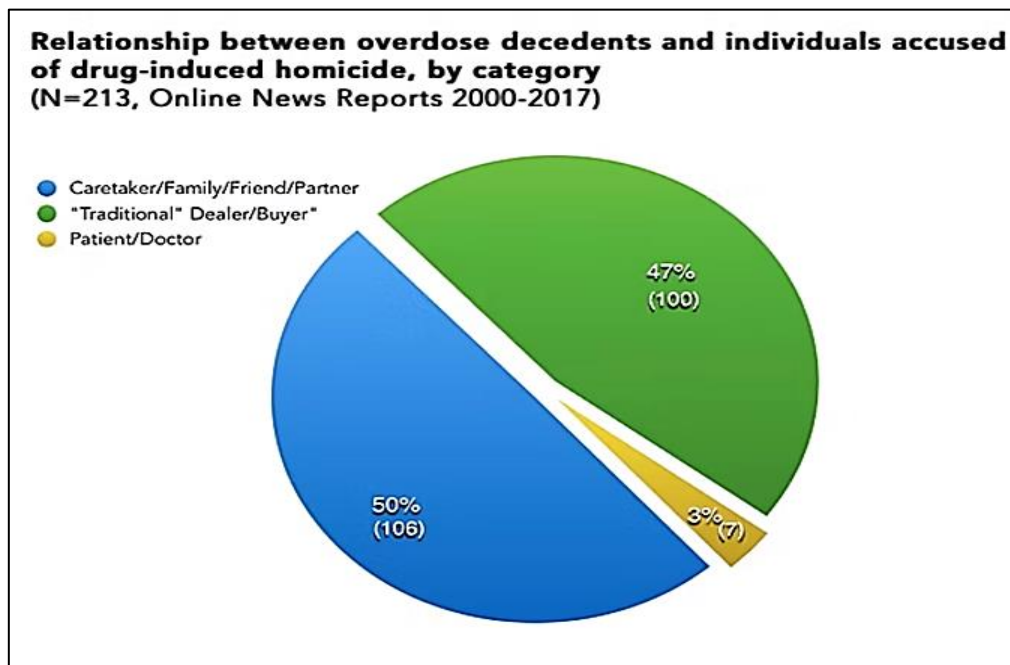
**Less Money for Treatment and Prevention.** [Every dollar invested in someone’s treatment needs saves several dollars in the long term in crime, corrections, and community health costs, a far wiser](#)

[investment than adding years to someone's sentence.](#) People convicted of distribution of fentanyl are, on average, sentenced to 8.8 years behind bars in Maryland. The proposed DIH law would triple that sentence, also tripling the cost. It is our responsibility to shift these resources towards programs that address the root causes of criminal behavior through treatment and rehabilitation programs.

### Targeting the Vulnerable

DIH laws often ensnare low-level individuals, including friends, family members, or co-users, rather than major traffickers. Studies show that up to 50% of those charged under DIH laws are directly connected to the victim's social circle, compounding grief and trauma for families.

In Wisconsin DIH prosecutions, nearly 90% of those charged were friends, relatives, or low-level dealers rather than the high-level traffickers these laws ostensibly target. Fear of prosecution then discourages individuals from seeking emergency medical assistance during overdoses, leading to preventable deaths. This legislation undermines Good Samaritan laws' effectiveness, prioritizing life-saving measures over legal consequences.



### Drug-Induced Homicide Laws Target People of Color

JPI believes safe and healthy communities reflect intentional decisions by civic leaders and community stakeholders on where and what forms of resources to invest. [Our historically disadvantaged communities receive less for prevention and more for prosecution and prisons.](#) [People of all races and ethnicities use and sell drugs at similar rates,](#) but DIH prosecutions disproportionately target people of color. National data show that Black defendants are more likely to face prosecution for a DIH compared to counterparts of other races. They also face longer sentences. [From 2008 to 2018, the national median DIH sentence for Black defendants was ten years, compared to less than seven years for white defendants.](#)

The false hope that we will achieve public safety by continuing to make considerable investments in the criminal legal system discourages the innovation needed to address the root causes of drug abuse and crime. Maryland can pave the way for compassionate, evidence-based policies that save lives and reduce harm. The Senate Judicial Proceedings Committee may start by issuing an unfavorable report on HB 1398. Thank you.