

SB 906, Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury
Position: UNFAVORABLE

February 27, 2026

The Honorable William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

Dear Chair Smith, Vice Chair Waldstreicher, and Senate Judicial Proceedings Committee Members,

I am a lifelong resident of Maryland. I have a master's degree in library and information science and spent 40 years as an educator. Since my son's fatal overdose in 2017, I have devoted myself to drug policy research and have joined forces with policy analysts, health care providers, and research scientists—all dedicated to evidence based strategies to address the overdose crisis.

I am strongly opposed to SB 906 because public health experts and addiction researchers have found no evidence that increasing harsh penalties with blanket minimums will reduce overdose or deter drug distribution. Furthermore, the unintended consequences are dramatic, exacerbating the risk of increased fatalities and worsening racial disparities, at great expense.

Reminding us that increased imprisonment has never had a positive impact on drug use or drug-related deaths, experts warn that veering away from evidence depletes the resources that improve lives and productivity. Given that judges already have the discretion to impose longer prison sentences when circumstances warrant, it makes no sense to eliminate the professional judgement that considers malice or the intent to kill.

The movement for comprehensive health-focused reform is gaining momentum and, with it, hope for the breakthrough needed to significantly reduce overdose. In fact, recently reported reductions in overdose fatalities are attributed to increased access to health-focused initiatives. But hope is diminished by new crime bills that call for mandatory minimum sentences—put forth without reliable analysis of the effects on public health, individual lives, or much needed prison reform.

Data from states where such laws have been enacted reveal, not only that overdose deaths have not declined, but that those serving inordinately long sentences are low-level dealers, predominantly people of color, with many selling to support their own addictions. In short, these laws consume scarce criminal justice resources, worsen racial disparities, and do not reduce the availability of illicit drugs while simultaneously ruining the lives of those who are far removed from drug ring leaders and unaware of contaminants.

Today's cry for increasingly harsh sentences without proof of malice is fueled by the intense pain of parents who lost a beloved child. I know their pain; I am one of them. And I, too, am impassioned by a gut-wrenching death that was entirely preventable. But I also know that increased prison sentences don't

reduce drug use, and that there are people who pass along a drug without any idea of what that drug contains. Some people do deserve punitive consequences, but blanket mandatory minimum sentences not only hinder a judge's ability to determine appropriate consequences, but also distract from our focus on policies that will make a difference.

I urge the Senate Judicial Proceedings Committee to oppose SB 906.

Respectfully submitted,

Jessie Dunleavy
49 Murray Avenue
Annapolis, MD 21401
jessiedunleavy@gmail.com
www.jessiedunleavy.com