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

Testimony of Trans Maryland

### IN OPPOSITION TO

**Senate Bill #906:** Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury (Victoria, Scottie, Ashleigh, and Yader's Law)

To the Chair, Vice Chair, and esteemed members of the Senate Judicial Proceedings Committee:

Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. We urge an unfavorable report on **Senate Bill 906 (Victoria, Scottie, Ashleigh, and Yader's Law)**. While we deeply empathize with the families impacted by the overdose crisis, this legislation relies on a failed "tough on crime" framework that prioritizes punitive sentencing over the public health strategies actually proven to save lives.

#### **Redundancy in the Criminal Code**

The distribution of heroin and fentanyl is already a felony under existing Maryland law (§ 5-602 and § 5-603). This bill does not criminalize a new act; rather, it creates a duplicative felony specifically to mandate an additional **20-year consecutive sentence**. Adding layers of criminalization to an already heavily regulated and penalized area of the law does not provide new tools for safety; it simply increases the capacity for mass incarceration.

#### **Disproportionate Impact on Marginalized Communities**

History has shown that enhanced drug sentencing disproportionately targets Black and brown communities and low-income individuals. By allowing prosecution for every person in a "chain of distribution"—even if they did not directly provide the drug to the victim—this bill creates a wide net that will likely be used against street-level users and those in marginalized neighborhoods rather than high-level traffickers.

#### **Conflict with Harm Reduction Principles**

Addressing the overdose crisis requires treating drug use as a public health issue. SB0906 is fundamentally at odds with harm reduction. Research consistently demonstrates that the threat of additional prison time is not an effective deterrent for substance use or distribution in a crisis.



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Instead of investing in treatment and recovery, this bill invests in a carceral approach that has failed for decades.

### **Increased Risk and Avoidance of Care**

Further criminalization drives drug use further into the shadows. When the legal stakes are raised to include a mandatory 20-year consecutive felony, individuals are less likely to:

- Seek medical assistance during an overdose for fear of triggering a distribution investigation.
- Engage with medical professionals or harm reduction services.
- Utilize sterile supplies, leading to increased sharing of needles and higher rates of infectious disease.

### **Conclusion**

SB0906 ignores the root causes of the overdose epidemic in favor of harsh, consecutive sentencing. We believe Maryland's resources are better spent on expansion of healthcare, housing, and evidence-based harm reduction. For these reasons **we urge an unfavorable report on Senate Bill 906.**