

HOUSE BILL 1386

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POSITION: FAVORABLE FOR HB 1386

March 6, 2026

My name is Stuart Welch, and I am an Assistant State's Attorney for Harford County. I am the Senior Contact Attorney for the Felony Guns and Drugs Unit and specially assigned to the Harford County Drug Task Force. I write this to offer my support for House Bill 1386, also known as Victoria, Scottie, Ashleigh, and Yader's Law.

House Bill 1386 would add Maryland to the vast majority of states already utilizing drug-induced homicide laws. Since the rise of fentanyl in the United States, more and more states have passed drug-induced homicide laws for a reason. Fentanyl, and its analogues, have drastically increased the dangers of drug trafficking. As of today, I have found that thirty-eight (38) out of the fifty (50) states currently have some form of drug-induced homicide or drug delivery resulting in death law. That means that 76% of states already utilize the type of charges outlined by HB 1386. That makes Maryland one of only twelve states remaining without one. Maryland is currently entirely surrounded by states and other jurisdictions that have drug-induced homicide related laws.

Being a hands-on prosecutor, I regularly meet with the families of fatal overdose victims. These families carry with them an immense pain that only gets worse when I have to explain to them that had their loved ones died in West Virginia to the west, Pennsylvania to the north, New Jersey to the northeast, Delaware to the east, Washington D.C. to the south, or now even Virginia to the south, the prosecutors in each of those jurisdictions could bring specific fatal overdose charges against the drug dealer responsible for distributing the fatal dose. Then, I have to tell them that because their loved one overdosed in Maryland, it will be difficult to get anything beyond a drug distribution conviction for the dealer responsible for the fatal overdose.

In 2025, I secured a conviction of second-degree depraved heart murder of a drug dealer who distributed the fatal dose of cocaine mixed with fentanyl that led to the death of a twenty-five-year-old male in Harford County. This was the first time in the history of Maryland that a drug dealer was convicted of second-degree murder for dealing a fatal dose of drugs. The investigation of the case showed that the dealer dealt a combination of cocaine mixed with fentanyl to the victim, who the dealer claimed was his good friend. The victim had serious mental health issues, and the Defendant even admitted that he was aware that drugs made the victim's mental health issues worse. Despite knowing this, the Defendant admitted that he still distributed drugs to the victim. It was also clear that the victim was expecting cocaine only and did not ask for fentanyl. The victim was found deceased the next day by a handyman who went

to the victim's residence to change the locks. One witness in the case even stated that the dealer went into their place of business the next day, said "it's all my fault, I gave him too much," and then tried to sell this same witness a crack rock immediately afterwards.

With the conviction in this case making the news, I heard from multiple other counties that wanted to start pursuing these charges themselves. In fact, Carroll County currently has pending murder and manslaughter charges against a drug dealer that they decided to charge after consulting with me about this result. This issue impacts every county of every state, and without specific drug-induced homicide laws, prosecutors will continue to struggle to effectively bring justice for the victim and families of the victim.

The 2025 case was not the first case of this kind that I have charged. In fact, I have regularly prosecuted these cases ever since 2023, when I first decided to pursue these charges. In that period of time, I have worked with the Harford County Drug Task Force to develop the way we investigate and prosecute fatal overdose cases. Even with all of the hard work we put into these cases, they still often result in a simple drug distribution or manslaughter conviction. This leads to disappointment for the families of victims who rightfully believe that more should be done to the dealer responsible for their loved one's death.

As part of my job, I often sit down with drug dealers for what are called "proffer sessions." I have interviewed dealers from small-time to large quantity narcotic traffickers. One thing that they have in common, is that they are aware of the dangers of fentanyl and how common it is for fentanyl to be mixed with other drugs that they are selling. These dealers continue to sell these dangerous drugs anyways.

I personally provide expert courses on fatal overdose prosecutions and investigations to different jurisdictions across the U.S, including recently in New Orleans, Louisiana, and Chicago, Illinois. As I travel to these different states, I have seen the various drug-induced homicide laws that these jurisdictions already utilize, and I can attest that House Bill 1386 is far more balanced and less strict than the vast majority that I have seen. Even Illinois, with a major jurisdiction like Chicago, has a much stricter drug-induced homicide law with harsher penalties. Of the thirty-eight (38) states that I confirmed have drug-induced homicide related laws, at least thirty (30) had harsher penalties than those imposed by HB 1386, and at least thirteen (13) states have the potential for a life sentence or in some states even the death penalty.

In closing, House Bill 1386 is a great step in providing prosecutors like me with the proper tools to bring justice against drug dealers who continue to profit off of distributing incredibly dangerous substances. For these reasons, **I respectfully request a favorable report for House Bill 1386.**

Thank you for your attention and consideration of this important subject.