



Khalilah M. Harris, EdD, JD - Executive Director
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409
harrisk@publicjustice.org

HB1386

**Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury
(Victoria, Scottie, Ashleigh, and Yader's Law)
Hearing of the House Judiciary Committee
March 10, 2026, 1:00 PM**

UNFAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization dedicated to protecting and expanding the rights of people living in poverty and addressing the root causes of injustices. The PJC provides advice and representation at no cost to clients, advocates before legislatures and government agencies, and collaborates with community and advocacy organizations; we actively incorporate anti-racism and racial equity goals into our advocacy work. The PJC has a longstanding commitment to civil rights-based reform in the criminal legal system.

The **PJC strongly opposes HB1386** Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury. This bill would create a new enhanced penalty of up to 20 years in prison for those found responsible for a fatal overdose. This approach of using longer prison sentences to address problems related to drug use has been tried before and has failed.

The overdose epidemic has tragically cost the lives of thousands of Marylanders. The General Assembly should focus on proven solutions that prevent overdose, like evidence-based treatment and education, to bring an end to this crisis. Laws like HB1386, often called drug-induced homicide (DIH) laws, claim to prevent overdose by using harsh penalties as a deterrent. HB1386 proposes up to 20 additional years for those convicted of distributing heroin or fentanyl that results in a fatal overdose. Distributing fentanyl already carries a penalty of up to 30 years in prison¹. Incarceration cannot treat a health crisis. Proponents of DIH laws claim they are intended to target “dealers” and cartels; in reality, law enforcement often targets “low level offenders” and people who use drugs².

¹ LawAtlas. “Drug Induced Homicide Laws,” May 2024. <https://lawatlas.org/datasets/drug-induced-homicide-1529945480-1549313265-1559075032>; Drug Policy Alliance. “An Overdose Death Is Not Murder: Why Drug-Induced Homicide Laws Are Counterproductive and Inhumane.”

² Phillips, Kaitlin. “From Overdose to Crime Scene: The Incompatibility of Drug-Induced Homicide Statutes with Due Process.”

DIH laws like HB1386 have other unintended consequences. DIH prosecutions will discourage people who use drugs from reporting potentially reversible overdoses for fear of harsh criminal penalties. The bill text includes no 'Good Samaritan' protections for individuals potentially liable under the proposed law, even if they report an overdose in good faith; it is likely that some who report overdoses will be prosecuted. This will discourage scores of others who use drugs from reporting overdose, potentially increasing the number of fatalities. In other words, the opposite of what the bill purports to achieve.

For these reasons, the Public Justice Center urges **the House Judiciary Committee to issue HB1386 an unfavorable report.** Thank you for your consideration of our testimony. If you have any questions, please contact Robin McNulty at 410-625-9409 x 278 or mcnultyr@publicjustice.org.