

March 6, 2026

The Honorable Sandy Bartlett
Chairwoman, House Judiciary Committee
Taylor House Office Building, Room 100
6 Bladen St., Annapolis, MD 21401

House Bill 1386 - Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury

Position: UNFAVORABLE

Dear Chair Bartlett, Vice Chair Davis, and House Judiciary 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 connected with policy analysts, health care providers, and research scientists—all dedicated to evidence based strategies to reduce overdose deaths.

I am strongly opposed to HB 1386 because public health experts and addiction researchers agree: There is no evidence that harsher penalties with extended prison sentences 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.

We all agree that the tragedy of lost lives, shattered families, and human suffering beg for innovation. Marching orders from every major health organization—including the American Medical Association and the National Academies of Sciences Engineering and Medicine—urge policymakers to move away from the focus on punishment and embrace policies based on health care.

The movement for comprehensive health-focused reform is gaining momentum and, with it, hope for the breakthrough needed to significantly reduce overdose. In fact, increased access to health centered initiatives is credited as a primary factor in recent reductions in overdose fatalities. But these gains are threatened by the call for legislation that would extend prison sentences—put forth without reliable analysis of the effects on public health, individual lives, or much needed prison reform.

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 consideration of malice or the intent to kill.

Data from states where such laws have been enacted not only show that overdose deaths have not declined, but that those serving inordinately long sentences are mostly 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. With illicit fentanyl infiltrating so much of the drug supply, both sellers and users are

often unaware of contaminants, meaning that drug-related deaths can easily be the result of ignorance not an intentional "poisoning."

Just as Maryland launches a comprehensive partnership to analyze statistical findings on our State's mass incarceration along with the shameful racial disparities among its prison population, passing this bill absent evidence of associated solutions, defies common sense.

Today's cry for harsher sentences without proof of malice is fueled by the 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 the whole idea of characterizing some drug users as victims and others as villains, only contributes to the misinformation and stigma that has pervaded our approach to drug use. While some people do deserve punitive consequences, we must avoid conflating vengeance for justice and, in so doing, distract from needed focus on policies that will make a difference.

I urge the House Judiciary Committee to oppose HB 1386

Respectfully submitted,

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