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DATE: March 10, 2026
BILL NUMBER: HB 1386
POSITION: Favorable with Amendments

Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury (Victoria, Scottie, Ashleigh, and Yader's Law)

The Maryland State's Attorneys' Association urges a favorable report for House Bill 1386, Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury (Victoria, Scottie, Ashleigh, and Yader's Law) with the inclusion of two friendly amendments that clarify the language used by the bill, harmonizes the bill with existing provisions relating to similar conduct, and better tailor the application of the bill to the interests that animated it.

HB 1386 criminalizes the distribution of heroin or fentanyl if such distribution results in the death or serious bodily injury of another, providing an important tool for prosecutors to target and dismantle the drug distribution networks that are destroying our communities. The prosecution of overdose homicide cases is currently governed exclusively by caselaw, by cases like *State v. Thomas*, 464 Md. 133 (2019) and its progeny. Codifying the elements and scope of these offenses clarifies and streamlines their prosecution, while signaling to those who would sell heroin or fentanyl the seriousness with which Maryland takes these offenses.

The first amendment suggested by MSAA is a clarifying one – HB 1386 applies to conduct that results in death or serious bodily injury, without defining the latter term. While this term is defined elsewhere – MD. CODE ANN., TRANSP. § 20-102(c) – MSAA recommends either explicitly defining the term in the statute, linking the term to the definition in the Transportation Article, or using the largely coextensive term “serious physical injury” as defined in MD. CODE ANN., CRIM. LAW § 3-201 (d).

Finally, MSAA suggests removing the clause that restricts the bill's application to those that distributed the heroin or fentanyl for profit, appearing on line 23 of page 1. The harm caused by the conduct addressed by this bill – the death or serious bodily injury of another – occurs independent of whether the offender sold the drugs or gave them away. Removing this artificial limitation on the bill's applicability ensures the bill accomplishes its objective – holding accountable those whose distribution of heroin or fentanyl kills or seriously injures another.

For these reasons, the Maryland State's Attorneys' Association respectfully urges the Committee to issue a favorable report on House Bill 1386 with the inclusion of the aforementioned amendments.