

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 784
Criminal Law – Use or Possession of a Controlled Dangerous
Substance – De Minimis Quantity
DATE: March 2, 2022
(3/8)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 784. This bill makes violations relating to the use or possession of certain de minimis quantities of select controlled dangerous substances a civil offense rather than a misdemeanor. This would include: 10 grams of marijuana; 2 grams of cocaine; 1.5 grams of crack cocaine, 1 gram of heroin; 1 gram of MDMA; 40 user units of LSD, 40 user units of methadone; 2 grams of meth; and 40 tablets of oxycodone.

Since Maryland, as is the rest of the country, is still in the grips of an opioid epidemic where drug overdose deaths have continued to rise after the start of the COVID-19 pandemic, this portion of the bill does not seem to address the crisis of addiction.

This bill also requires a court to order a person who commits a violation, regardless of the age, to attend a drug education program and refers the person to an assessment for substance use disorder or a mental health assessment. While the Judiciary finds this commendable, there appears to be a lack the resources for these services and/or ability to monitor the defendant's progress.

Finally, the bill requires cases to proceed in a District Court Drug Court if the jurisdiction has one. This directly contradicts Maryland Rule 16-207 which makes all problem-solving courts voluntary. In addition, the bill does not allow each District Court Drug Court the ability to properly screen for legal and clinical appropriateness to participate in the program and does not consider how an active participant would be sanctioned under a civil offense rather than a misdemeanor for noncompliance with the rules of the drug court.

cc. Hon. Jill Carter
Judicial Council
Legislative Committee