

SUPPORT HB 193

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger and House Judiciary Committee
FROM: Phil Caroom, MAJR Executive Committee
DATE: January 28, 2020

Maryland Alliance for Justice Reform (MAJR) supports HB 193 to decriminalize low-level, first and second-time offenders for simple possession of drugs.

While agreeing there is no “safe” use of drugs such as heroin and fentanyl, MAJR believes that the HB 193’s provisions for courts to civilly compel users to obtain drug evaluations, education and treatment are preferable to automatic arrest & pretrial detention for many who may turn out to be low-risk. HB 193, reasonably, provides for “third strike” criminal treatment for users who do not respond to these civil measures.

Why are civil citations without arrest, pretrial detention and a criminal record preferable for low-level drug possession? Unnecessary pretrial detention, even as brief as three days, has been shown to put offenders at substantially higher risk to reoffend. See [“The Hidden Costs of Pretrial Detention” \(2014\)](#). Such pretrial detention also costs taxpayers approximately ten times more than pretrial release (\$83 - \$153 per day for pretrial detention vs. under \$10 per day for pretrial supervision); savings can better be used to assist with drug assessments and treatment. Please see <https://www.ma4jr.org/citations/> and references therein.

The use of citations for such civil drug-possession offenses also would create substantial savings of time for law enforcement officers (averaged at under 25 minutes to issue a citation vs. nearly 90 minutes to process an arrest). Again, please see <https://www.ma4jr.org/citations/> and references therein.

NOTE: A related bill ([HB 261 / SB 333](#)) similarly would permit issuance of citations for all simple possession of drug offenses under certain conditions. (That bill previously has passed the House and is not opposed by the Maryland Chiefs & Sheriffs’ Association.) But that citations bill does not simultaneously create and decriminalize a category for “de minimis” / small quantities possession.

For all these reasons, Maryland Alliance for Justice Reform urges a favorable report on HB 193.

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NOTE: Phil Caroom joins this testimony on behalf of the Maryland Alliance for Justice Reform executive committee and not on behalf of the Maryland Judiciary.