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**Testimony for the Senate Judicial Proceedings Committee
January 25, 2018**

SB 127 Criminal Law - Possession of Marijuana - Criminal Threshold

FAVORABLE

The ACLU of Maryland urges a favorable report on SB 127, which would raise from 10 grams to 1 ounce, the threshold amount of marijuana for which possession is a civil offense. While the Maryland General Assembly has begun to reform the laws related to marijuana possession, there is more work to do. We support this bill's efforts to further reverse the harmful effects of the failed war on drugs.

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Drug offenses continue to bloat Maryland's jail population and cost precious taxpayer dollars

In 2015, the Justice Reinvestment Coordinating Council unearthed troubling data about the impact of Maryland's drug laws on our prison population—at that time, simple possession of a controlled dangerous substance (CDS) was one of the top ten offenses at prison admission and 32% of all prison admissions were for drug offenses.¹ More recently, the 2015 Maryland Uniform Crime Report shows that in 2015 21,971 arrests were made for marijuana possession.²

Moreover, for those who are not actually incarcerated for criminal possession of marijuana, there nonetheless remain the costs of judicial resources expended to adjudicate these cases.

This bloated jail population translates to wasted taxpayer dollars and loss in economic productivity. In 2010, Maryland spent approximately \$106 million enforcing marijuana possession laws.³ More importantly, raising the civil possession amount has the potential to reduce the negative collateral

¹ Justice Reinvestment Coordinating Council, Presentation—Maryland Prison Drivers (July 29, 2015).

² Crime in Maryland, 2015 Uniform Crime Report (p. 110)

³ ACLU of Maryland, The Maryland War on Marijuana in Black and White (2013).

consequences of criminal convictions, including loss of wages, employment consequences, and household instability. Therefore, SB 127 has the potential to reduce the jail population, conserve judicial resources, save taxpayer dollars, and avoid the disruption in lives caused by unnecessary entanglement with the criminal justice system.

Drug offenses disproportionately affect communities of color

Marijuana possession arrests disproportionately affect communities of color. Regardless of whether the county is majority White or majority Black, the racial disparity in the arrest rates is consistent.⁴ In 2013, Baltimore was 64% African American, but 91% of all minor marijuana arrests were of African Americans.⁵ In 2010, Montgomery County was 18% African American but 46% of all marijuana possession arrests were of African Americans.⁶

Studies consistently show that people of all races use and possess marijuana at similar rates. In spite of this fact, African Americans in Maryland are 3 times more likely than their White counterparts to be arrested for marijuana possession.

Maryland's simple possession law is among the most modest in the country

Under Maryland's law, possession of up to 10g of marijuana is a civil infraction. Twenty states have enacted laws with alternatives to the possibility of jail time for the possession of small amounts of marijuana. Of these states, Maryland's 10g is the smallest amount decriminalized. The majority of states have decriminalized 1 ounce, with several having higher amounts.⁷

SB 127 dovetails with the progress Maryland has already made toward reversing the failed war on drugs—from expunging civil possession of marijuana to reducing the jail penalty to a maximum 6 months. The bill is the next logical and reasonable step in the right direction. For the foregoing reasons, we urge a favorable report on SB 127.

⁴ *Id.*

⁵ *Baltimore Mayor 'Appalled' at Disproportionate Marijuana Arrest rates for African Americans*, Fox45 (Feb, 21, 2014). Available at: <http://foxbaltimore.com/news/features/top-stories/stories/baltimore-mayor-appalled-at-disproportionate-marijuana-arrest-rates-african-americans-25690.shtml#.Uwn47aU7VBW>.

⁶ ACLU of Maryland, *The Maryland War on Marijuana in Black and White* (October 2013), http://www.aclu-md.org/marijuana_reform.

⁷ <https://www.mpp.org/issues/decriminalization/>