



**Testimony for the Senate Judicial Proceedings Committee
February 27, 2013**

**SB 394 - Possession of Marijuana – Maximum Penalties
SUPPORT**

The ACLU of Maryland urges a favorable report on SB 394. This bill takes a practical step of making the use or possession marijuana a civil offense, punishable by a fine not exceeding \$100, rather than imprisonment. We commend the Maryland General Assembly's efforts last year to begin tackling the overly harsh sentences from the use or possession of marijuana, and this bill builds on the successful efforts of last year's legislation in a way that is practical and fair.

Maryland taxpayers spend over \$1.1 billion per year to maintain a bloated prison system; a system which has tripled in size since 1980. Of these prisoners, the vast majority are African-American; African Americans comprised three-quarters of the state's prison growth over the last 24 years.¹ This racial disparity is especially prominent regarding drug offenses. According to a 2007 report by the Justice Policy Institute, the impact of Maryland's reliance on imprisonment for drug-involved individuals is concentrated among communities of color, particularly African Americans. JPI found that in 2003, African Americans represented 28 percent of Maryland's population, but accounted for 68 percent of all drug arrests, and 90 percent of all those imprisoned in the state for a drug offense, even though surveys suggested that whites and African-Americans actually had similar rates of drug use and drug distribution.²

In addition to the problem of the disproportionate arrests and imprisonment of African-Americans for drug offenses, Maryland also has one of the highest rates of arrests for marijuana possession in the country and some of the severest penalties in the nation. In 2007, Maryland had the 4th highest number of arrests for marijuana offenses in the nation with marijuana possession accounting for 89% of all the arrests. When it comes to penalties for just under 1 ounce of marijuana, Maryland is ranked at number 3, along with 17 other states (because of similarities between states there are only 12 rankings in this category). Jon Gettman, Ph.D. *The Bulletin of Cannabis Reform, Marijuana in Maryland: Arrest, Usage, and Related Data*, www.drugscience.org (10/19/2009).

Maryland's overly punitive and racially imbalanced approach to marijuana possession has also cost the state dearly. The Gettman report estimated that marijuana arrests cost \$281.70 million in Maryland for 2006. While the General Assembly made great strides last year to start reforming these laws, we have more work to do. We support this bill's efforts to reduce our overpopulated prisons by making the use or possession of a small amount of marijuana a civil offense, rather than a criminal offense.

The ACLU of Maryland supports a favorable report on SB 394.

¹ Justice Policy Institute, *Race and Incarceration in Maryland*, at 6 (2003).

²All data is from: Justice Policy Institute, *Maryland's Mandatory Minimum Drug Sentencing Laws: Their Impact on Incarceration, State Resources and Communities of Color*, http://www.justicepolicy.org/images/upload/07-02_REP_MDMandatoryMinimums_DP-MD.pdf (Feb. 2007).

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