

SUPPORT THE “SMART ON CRIME ACT”

Each year, Maryland spends hundreds of millions of dollars incarcerating people convicted of low level, nonviolent offenses. While large volume drug and violent offenses may warrant a prison term, incarcerating people who possess small amounts of drugs, or who are selling small amounts of drugs to sustain a habit, can cost the states millions in prison costs, and does little to reduce crime. With half of all Maryland people leaving prisons committing new offenses, , imprisoning low-level drug offenders at cost of \$26,000 a year means we are using the most expensive, least effective way to deal with people with addictions, but who are not responsible for the crime and violence on our streets.^[1] Comprehensive drug treatment, tied to other services and supervision are more effective at reducing recidivism for low-level offenders, reducing costs, and may reduce racial disparities in imprisonment.

The Smart on Crime Act will help bring Maryland’s sentencing code up-to-date with what exists in nearly every other state. The statute acknowledges that someone possessing small amounts of drugs should not be treated the same as someone possessing 10 times that amount—which is the way the law currently works.

Under the Smart on Crime Act, Maryland’s current mandatory minimum prison terms would remain intact for big players in illegal drug trade. For people convicted of possessing the smallest amounts of drugs—drugs that often are “too small to weigh,” but currently, could still trigger a long prison sentence—the Smart on Crime Act will allow a judge to tailor a sentence based on the true threat a person may bare to public safety.

The Smart on Crime Act only applies to individuals who are in possession of very small amounts of marijuana, cocaine, heroin, methamphetamine and other drugs. Under this circumstance, a judge would have the discretion to sentence a person to five years or less in prison, or to community supervision or drug treatment, if that were in the interest of public safety. The proposed change only affects people possessing 56 grams or less of marijuana, 4 grams or less of cocaine, opium and crack cocaine, and 14 grams of methamphetamine. For larger amounts, the current laws of Maryland would apply. The Smart on Crime Act does not change the law for drug kingpins, volume dealers, or drug importers, and it does not change the law for people with violent prior offenses.

With Maryland’s prison population once again on the rise—and with no funds available to build more prisons—the state needs to reserve its expensive prison beds for the people who bare the most risk to public safety. Research shows that incarcerating low-level drug offenders is a net money loser, compared to the cost effectiveness of drug treatment.

Maryland public opinion survey results show the public strongly favors drug treatment^[2] and community-supervision^[3] for people possessing the smallest amounts of drugs, and for people who have a drug problem.

^[1]*Maryland’s Mandatory Minimums* (2007). Justice Policy Institute.

^[2]Id.

^[3]*Cutting Correctly in Maryland* (2003). Justice Policy Institute.