

Decrim Maryland

Decriminalization is the elimination of policies and practices that expose marginalized communities to increased justice involvement, not because of a legitimate public safety concern, but primarily because of behaviors and conduct that arise from their status or identity. Decriminalization also includes the implementation of policies and practices that do not rely on the police, courts, and corrections to respond to this category of behaviors and conduct.



The People's Commission has broken the work of decriminalization into six priority areas:

- **Homelessness:** Reducing the harm of criminalizing people who have to live their private lives in public due to being unhoused, and reallocating resources from criminalization into safe affordable housing options.
- **Poverty:** Eliminating the laws that reinforce cycles of poverty by inflicting criminal-legal sanctions (incarceration, loss of license, excessive fees, and criminal records) on individuals because of their inability to pay or economic status.
- **Youth:** Changing and eliminating laws that bring young people--disproportionately youth of color--to the attention of the justice system for behaviors that are either typical in adolescence or a reflection of how we have marginalized large segments of Maryland's youth.
- **Drug Policy:** Eliminating criminal and financial penalties associated with possession and use of drugs, and pursuing public health oriented polices to reduce the harm of drug use. harm reduction and public health-oriented policies to address issues of substance use and addiction.
- **Bodily Autonomy:** Preventing laws that would bring an individual to the attention of the justice system based on how they classify and use their own body.

Decrim Youth

Decriminalizing youth means eliminating laws that unnecessarily bring young people, and disproportionately youth of color, to the justice system's attention. Maryland's children come in unnecessary contact with the justice system for behaviors that are otherwise typical adolescent behaviors.

By decriminalizing adolescence, we will stop labeling typical adolescent behavior and behavior stemming from trauma, abuse, neglect, or poverty as "criminal" conduct. Instead, that behavior will be seen as an indicator that a young person needs more robust supports to help them thrive.



The People's Commission Youth Workgroup supports the following legislation:

- Bills such as 2021's HB1187 that take recommendations from the Juvenile Justice Reform Council
 - Narrow the current definition of "delinquent act" to focus on public safety and that would expand opportunities for diversion to community-based services
 - Set a minimum age of jurisdiction for the youth justice system
- HB294/SB165 End automatic transfer of youth to the adult criminal justice system
- HB269/SB53 Ensuring that youth have representation before being questioned by police
 - In FY 2019, 2,406 youth were placed in detention, 85% of whom were youth of color, and almost half who were charged with misdemeanors, status offenses, or other low-level offenses

Decriminalizing drugs means eliminating all criminal and financial penalties associated with the drug use. It means investing in strategies that empower individuals to improve their health and wellness, live self-directed lives, and reach their full potential.

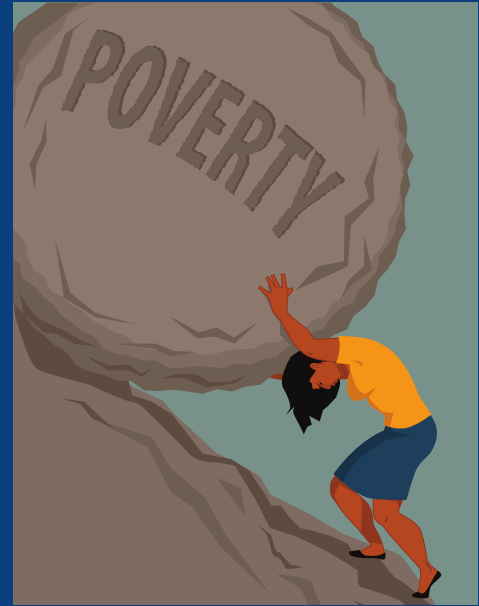


- Decriminalize paraphernalia
 - Override the veto of SB420 to provide access to safe supplies that reduce the spread disease and remove barriers to community-based programs that connect people to life-saving programs.
- Legalize cannabis
 - Support a legislative or constitutional path to legalization with a focus on reparative justice and inclusion for communities and individuals most impacted by cannabis enforcement.
- Create overdose prevention sites
 - Support (SB279/HB396 in 2021) to save lives. Data has shown that overdose fatality dropped 35% around a single site.
- Decriminalize small quantities of drugs
 - Support (HB488 in 2021) making possession a civil, rather than criminal, offense. This will protect people struggling with drug use from the debilitating consequences of a criminal record.

Decrim Poverty

Decriminalizing poverty means eliminating state laws, policies and practices that unnecessarily incarcerate lower-income individuals or leave them impoverished post-incarceration.

During the 2022 legislative session, the Decrim Poverty Workgroup will advocate for the following policy proposals:



- **Maryland REDEEM Act of 2022 - Expungement Expansion**
 - Reduce the waiting period for misdemeanors and nonviolent felonies to (3) three to (5) five years respectively.
- **Pretrial Home Detention - Funding for Electronic Monitoring**
 - Maintain funding for the Judiciary's private home detention monitoring program.
- **Auto Insurance - Eliminate Use of Non-Driving Factors**
 - Use of the non-driving factors credit history and zip code make auto insurance costs unaffordable for lower-income communities.
- **Child Support - Repeal License Suspension**
 - Eliminate license suspensions for obligors making less than \$39k annually.
- **Motor Vehicle Laws - Decriminalize Driving While Poor**
 - Repeal incarceration as a penalty for driving uninsured.

"Anyone who has ever struggled with poverty knows how extremely expensive it is to be poor." - James Baldwin

Decrim Homelessness

Decriminalizing homelessness would mean eliminating laws that punish individuals who are forced to live their private lives in public spaces. While this looks different for each individual, Maryland law currently enables arrest and incarceration of those who are homeless simply for acts of survival.

By decriminalizing homelessness we can help prevent those who are experiencing homelessness from being swept into the criminal-legal system and provide better opportunities for them to connect with resources they need.



The People's Commission Unhoused Workgroup supports the following legislation for the 2022 Maryland Legislative Session:

- Amending §10-201(c)(3) Failure to Obey a Lawful order to address its vagueness by defining a lawful order
 - Currently this law is so broad that officers have used it to compel people experiencing homelessness to leave public spaces when no other criminal offenses apply
 - We move to amend this law to include the definition of a lawful order as one that is given in an emergency or to an individual with an objective risk of imminent risk of harm
 - Baltimore City District Court data shows that 86.6% of the time Failure to Obey a Lawful order charges have been dropped this suggests over-policing and abuse of power

Decrim Bodies



Decriminalizing bodies would mean removing or preventing laws that punish consensual sex, interfere with pregnancy, or constrain trans & nonbinary healthcare. Maryland should remain a safe state for using a bathroom, giving birth, having sex, and accessing gynecologic care.

By decriminalizing bodies we can ensure that everyone has access to public hygiene facilities, pregnant people and their babies are given care that serves them, and people are able to determine how their reproductive organs are used.



The People's Commission Bodily Autonomy Workgroup supports the following legislation:

- Eliminating HIV-specific criminalization (§ 18-601.1) from the Maryland Code, this would:
 - Remove inaccurate myths about HIV transmission from our criminal code
 - Reduce fear and stigma related to HIV testing, prevention, & treatment
 - Reduce the disproportionate use of this code on Black & Latine folks
- Eliminating Sodomy Laws (§ 3-322) that are still being used to arrest & charge sexual activity between consenting adults, this would
 - Reduce the targeted policing and overcriminalization of marginalized communities, including the LGBTQ+ community
 - Reduce stigma and biases related to sex, sexuality, and LGBTQ+ identities
 - Remove unconstitutional sodomy statutes from our criminal code
- Pass the Pregnant Person's Dignity Act, which would
 - prohibit the subjection of pregnant people or those experiencing pregnancy loss or termination to Maryland's criminal justice and civil court systems
 - protect individuals who provide support to people who are experiencing a pregnancy loss or seeking abortion care
- Remove Baltimore City Police Ordinance (§ 17-1-102) Loitering for the purpose of prostitution, which would
 - reduce police interactions w/ women, femmes, and others profiled as sex workers
 - remove sexist or gender-based ordinances from the Police Code