

SB0364/352611/2

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 364, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

Strike the House Judiciary Committee Amendments (SB0364/692914/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 7, strike “authorizing” and substitute “requiring”; and in line 8, strike “a person convicted of a violation of this Act for a third or subsequent time” and substitute “certain persons”.

On page 2, in line 2, after “circumstances;” insert “providing for the construction of certain provisions of this Act;”.

AMENDMENT NO. 3

On page 6 of the bill, in line 11, strike “OR SECOND”; after line 14, insert:

“2. A SECOND VIOLATION OF THIS SECTION INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250.

3. A THIRD OR SUBSEQUENT VIOLATION OF THIS SECTION INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.”;

in line 15, strike “2.” and substitute “4. A. IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON UNDER THE AGE OF 21 YEARS WHO COMMITS A VIOLATION PUNISHABLE UNDER SUBSUBPARAGRAPH 1, 2, OR 3 OF THIS

(Over)

SUBPARAGRAPH TO ATTEND A DRUG TREATMENT AND EDUCATION PROGRAM
APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

B.”;

in the same line, strike “MAY” and substitute “SHALL”; in line 16, strike “CONVICTED OF A THIRD OR SUBSEQUENT” and substitute “AT LEAST 21 YEARS OLD WHO COMMITS A”; in line 17, after “UNDER” insert “SUBSUBPARAGRAPH 3 OF”.

On page 8, after line 32, insert:

“(D) THE PROVISIONS OF SUBSECTION (C)(2)(II) OF THIS SECTION MAKING THE POSSESSION OF MARIJUANA A CIVIL OFFENSE MAY NOT BE CONSTRUED TO AFFECT THE LAWS RELATING TO:

(1) OPERATING A VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE; OR

(2) SEIZURE AND FORFEITURE.”.

On page 9 of the bill, in line 20, after the semicolon insert “AND”; and strike beginning with the semicolon in line 25 down through “ARTICLE” in line 28.

On page 10 of the bill, in line 1, after “(2)” insert “(I) IF A CITATION FOR A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS ISSUED TO A PERSON UNDER THE AGE OF 21 YEARS, THE COURT SHALL SUMMON THE PERSON FOR TRIAL.

(II)”;

in the same line, after "PERSON" insert "AT LEAST 21 YEARS OLD"; and strike beginning with the second "FOR" in line 4 down through "SUBTITLE" in line 6.