

# HOUSE BILL 1258

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5lr3070

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By: **Delegates Moon, Anderson, Gutierrez, Morales, Smith, Sydnor, and Vallario**  
Introduced and read first time: March 6, 2015  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Possession of Controlled Dangerous Substance – Penalties**

3 FOR the purpose of altering the penalty for possessing or administering a certain controlled  
4 dangerous substance; making certain conforming changes; and generally relating to  
5 controlled dangerous substances.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Law  
8 Section 5–601(c)(1) and (2)  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2014 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That the Laws of Maryland read as follows:

13 **Article – Criminal Law**

14 5–601.

15 (c) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person  
16 who violates this section is guilty of a misdemeanor and on conviction is subject to  
17 imprisonment not exceeding [4 years] **1 YEAR** or a fine not exceeding [**\$25,000**] **\$1,000** or  
18 both.

19 (2) (i) [Except as provided in subparagraph (ii) of this paragraph, a  
20 person whose violation of this section involves the use or possession of marijuana is subject  
21 to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) 1.] A first violation of this section involving the use or  
2 possession of less than 10 grams of marijuana is a civil offense punishable by a fine not  
3 exceeding \$100.

4 [2.] (II) A second violation of this section involving the use  
5 or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not  
6 exceeding \$250.

7 [3.] (III) A third or subsequent violation of this section  
8 involving the use or possession of less than 10 grams of marijuana is a civil offense  
9 punishable by a fine not exceeding \$500.

10 [4. A.] (IV) 1. In addition to a fine, a court shall order  
11 a person under the age of 21 years who commits a violation punishable under  
12 [subsubparagraph 1, 2, or 3 of this subparagraph] **SUBPARAGRAPH (I), (II), OR (III) OF**  
13 **THIS PARAGRAPH** to attend a drug education program approved by the Department of  
14 Health and Mental Hygiene, refer the person to an assessment for substance abuse  
15 disorder, and refer the person to substance abuse treatment, if necessary.

16 [B.] 2. In addition to a fine, a court shall order a person at  
17 least 21 years old who commits a violation punishable under [subsubparagraph 3 of this  
18 subparagraph] **SUBPARAGRAPH (III) OF THIS PARAGRAPH** to attend a drug education  
19 program approved by the Department of Health and Mental Hygiene, refer the person to  
20 an assessment for substance abuse disorder, and refer the person to substance abuse  
21 treatment, if necessary.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2015.