

HB0105/438279/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 105
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 4 down through “citation;” in line 8 and substitute “altering a certain provision that provides that the use or possession of less than a certain amount of marijuana is a civil offense to increase the amount;”; in line 8, after “from” insert “smoking or ingesting marijuana while operating or occupying a motor vehicle or”; and in line 9, after “for” insert “smoking or ingesting marijuana while operating or occupying a motor vehicle or”.

On pages 1 and 2, strike beginning with “requiring” in line 10 on page 1 down through “circumstances;” in line 4 on page 2 and substitute “establishing that a certain criminal prohibition on the use or possession of drug paraphernalia does not apply to the use or possession of drug paraphernalia involving the use or possession of marijuana; repealing a certain affirmative defense regarding a certain medical necessity as it relates to a certain offense prohibiting the use and possession of drug paraphernalia;”.

On page 2, strike beginning with “penalties” in line 5 down through “marijuana” in line 6 and substitute “the use and possession of marijuana and drug paraphernalia”; in line 14, strike the first comma and substitute “and”; in the same line, strike “, and 7-302(g)”; in line 19, strike “5-601.1, 5-619, and 5-620” and substitute “5-601(c)(2), 5-601.1, and 5-619”; and strike in their entirety lines 27 through 31, inclusive.

AMENDMENT NO. 2

On page 3, in line 2, strike “§ 5-601, § 5-619, OR § 5-620” and substitute “§ 5-601”; in line 12, strike “, § 5-619, OR § 5-620”; strike in their entirety lines 19 through 25, inclusive; and after line 26, insert:

(Over)

“5-601.

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

(ii) 1. A first violation of this section involving the use or possession of less than [10] 20 grams of marijuana is a civil offense punishable by a fine not exceeding \$100.

2. A second violation of this section involving the use or possession of less than [10] 20 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] 20 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

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 subparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subparagraph 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.”.

On page 3 in lines 3 and 13, on page 4 in lines 3, 6, 9, 15, and 28, and on page 5 in lines 1, 8, and 12, in each instance, strike “10” and substitute “**20**”.

On page 4, in lines 2 and 3, strike “, OR § 5-619 OR § 5-620 OF THIS SUBTITLE”; in lines 5 and 6, strike “, OR § 5-619 OR § 5-620 OF THIS SUBTITLE”; in lines 8 and 9, strike “, OR § 5-619 OR § 5-620 OF THIS SUBTITLE”; in lines 14 and 15, strike “, OR § 5-619 OR § 5-620 OF THIS SUBTITLE”; and in line 31, strike “, OR § 5-619 OR § 5-620”.

On page 5, in line 1, strike “OF THIS SUBTITLE”; and in lines 7 and 8 and 11 and 12, in each instance, strike “, OR § 5-619 OR § 5-620 OF THIS SUBTITLE”.

AMENDMENT NO. 3

On page 5, after line 15, insert:

“(A) (1) A PERSON MAY NOT SMOKE OR INGEST MARIJUANA WHILE OPERATING OR OCCUPYING A MOTOR VEHICLE.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.”;

in line 16, strike “**(A)**” and substitute “**(B) (1)**”; in lines 18 and 19, strike “**(1)**” and “**(2)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 18, after the semicolon insert “**OR**”; strike beginning with “**ON**” in line 19 down through “**SUBSECTION**” in line 26 and substitute “**AT A PRIVATELY OWNED ESTABLISHMENT THAT IS OPEN TO THE GENERAL PUBLIC**”; in line 27, strike “**(B)**” and substitute “**(2)**”; in the same line, strike “**SECTION**” and substitute “**SUBSECTION**”; and in line 28, strike “**\$100**” and substitute “**\$500**”.

(Over)

AMENDMENT NO. 4

On page 6, in line 28, after “(1)” insert “**THIS SUBSECTION DOES NOT APPLY TO THE USE OR POSSESSION OF DRUG PARAPHERNALIA INVOLVING THE USE OR POSSESSION OF MARIJUANA.**”

(2)”.

On page 7, in line 3, strike “(2)” and substitute “**(3)**”; in the same line, strike “**(I)**”; in lines 3, 6, and 7, in each instance, strike the brackets; strike beginning with “**EXCEPT**” in line 3 down through “**A**” in line 4; in lines 6 and 7, strike “**1.**” and “**2.**”, respectively; strike in their entirety lines 9 through 30, inclusive; in line 31, strike “(3)” and substitute “**(4)**”; and in line 33, strike “**(2)(I)2**” and substitute “**(3)(II)**”.

On pages 8 through 10, strike in their entirety the lines beginning with line 1 on page 8 through line 1 on page 10, inclusive.

On pages 10 through 13, strike in their entirety the lines beginning with line 32 on page 10 through line 13 on page 13, inclusive.