

HOUSE BILL 269

E2

6lr0368

By: **Delegates Moon, Carr, Carter, Conaway, Morales, Rosenberg, and Smith**
Introduced and read first time: January 25, 2016
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Pretrial Release, Parole, and Probation – Marijuana – Urinalyses**

3 FOR the purpose of prohibiting the Division of Pretrial Detention and Services and the
4 Division of Parole and Probation from considering the submission of a urine sample
5 that is positive for marijuana as a violation of pretrial release, parole, or probation
6 in certain circumstances; providing for the application of this Act; and generally
7 relating to the Division of Pretrial Detention and Services and the Division of Parole
8 and Probation.

9 BY adding to

10 Article – Correctional Services
11 Section 6–119
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2015 Supplement)

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

16 **Article – Correctional Services**

17 **6–119.**

18 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND**
19 **NOTWITHSTANDING ANY OTHER LAW, THE DIVISION OF PRETRIAL DETENTION AND**
20 **SERVICES AND THE DIVISION OF PAROLE AND PROBATION MAY NOT CONSIDER THE**
21 **SUBMISSION OF A URINE SAMPLE THAT IS POSITIVE FOR MARIJUANA AS A**
22 **VIOLATION OF A CONDITION OF PRETRIAL RELEASE, PAROLE, OR PROBATION.**

23 **(B) THIS SECTION DOES NOT APPLY TO AN INMATE, AN OFFENDER, OR A**
24 **PROBATIONER WHO HAS BEEN EXPRESSLY PROHIBITED FROM USING OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **POSSESSING MARIJUANA, AS OPPOSED TO CONTROLLED DANGEROUS SUBSTANCES**
2 **GENERALLY, AS A CONDITION OF PRETRIAL RELEASE, PAROLE, OR PROBATION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.