

# SENATE BILL 128

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8lr1438

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By: **Senator Zirkin**

Introduced and read first time: January 11, 2018

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Possession With Intent to Distribute Marijuana – ~~Rebuttable~~**  
3 **Presumption**

4 FOR the purpose of establishing a ~~rebuttable~~ presumption that a person who possesses a  
5 certain amount of marijuana does not intend to distribute or dispense the marijuana;  
6 authorizing the State to rebut a certain presumption by showing certain evidence;  
7 and generally relating to possession with intent to distribute marijuana.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 5–602  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2017 Supplement)

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

15 **Article – Criminal Law**

16 5–602.

17 (A) Except as otherwise provided in this title, a person may not:

18 (1) distribute or dispense a controlled dangerous substance; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) possess a controlled dangerous substance in sufficient quantity  
 2 reasonably to indicate under all circumstances an intent to distribute or dispense a  
 3 controlled dangerous substance.

4 (B) (1) ~~THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO~~  
 5 ~~POSSESSES 1 OUNCE OR LESS OF MARIJUANA DOES NOT INTEND TO DISTRIBUTE OR~~  
 6 ~~DISPENSE THE MARIJUANA. A QUANTITY OF MARIJUANA THAT IS EQUAL TO OR LESS~~  
 7 ~~THAN THE QUANTITY FOR WHICH A PERSON MUST BE CHARGED BY CITATION UNDER~~  
 8 ~~§ 5-601.1 OF THIS SUBTITLE IS NOT A SUFFICIENT QUANTITY TO REASONABLY~~  
 9 ~~INDICATE UNDER ALL CIRCUMSTANCES AN INTENT TO DISTRIBUTE OR DISPENSE~~  
 10 MARIJUANA.

11 (2) THE STATE MAY REBUT THE PRESUMPTION ESTABLISHED UNDER  
 12 PARAGRAPH (1) OF THIS SUBSECTION BY SHOWING EVIDENCE OF AN INTENT TO  
 13 SELL MARIJUANA.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 15 October 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.