

SENATE BILL 128

E1

8lr1438

By: **Senator Zirkin**

Introduced and read first time: January 11, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 and generally relating to possession with intent to distribute marijuana.

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

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

14 **Article – Criminal Law**

15 5–602.

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

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

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

21 (B) **THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO**
22 **POSSESSES 1 OUNCE OR LESS OF MARIJUANA DOES NOT INTEND TO DISTRIBUTE OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **DISPENSE THE MARIJUANA.**

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