
By: Senators Stone, Boozer, and Middlebrooks (Committee to Revise Article 27)

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Possession of Marijuana - District Court Offense**

3 FOR the purpose of adding the crime of possession of marijuana under a certain quantity
4 for the purpose of requiring trial in the District Court; prohibiting the trial of this
5 crime in the circuit court under certain circumstances; providing certain exceptions;
6 providing that possession of marijuana over a certain quantity is not a defense;
7 providing that this crime is not a lesser included offense of certain other offenses;
8 and generally relating to criminal charges in the District Court.

9 BY adding to

10 Article 27 - Crimes and Punishments
11 Section 287C
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 287C.

18 (A) (1) A PERSON COMMITS THE OFFENSE OF POSSESSION OF MARIJUANA
19 UNDER THIS SECTION WHEN THE PERSON POSSESSES MARIJUANA IN THE AMOUNT
20 OF 7 GRAMS OR LESS IN VIOLATION OF § 287 OF THIS SUBHEADING.

21 (2) IT IS NOT A DEFENSE THAT THE WEIGHT OF THE MARIJUANA
22 EXCEEDS 7 GRAMS.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
24 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR
25 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH.

26 (C) (1) AN OFFENSE UNDER THIS SECTION MAY BE TRIED IN THE DISTRICT
27 COURT ON A STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION
28 FILED IN THE DISTRICT COURT.

29 (2) AN OFFENSE UNDER THIS SECTION MAY NOT BE TRIED IN THE
30 CIRCUIT COURT UNLESS:

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1 (I) AN APPEAL IS TAKEN FROM A CONVICTION IN THE DISTRICT
2 COURT; OR

3 (II) THERE IS ANOTHER CHARGE ARISING OUT OF THE SAME
4 CIRCUMSTANCES WHICH ENTITLES THE DEFENDANT TO A TRIAL IN THE CIRCUIT
5 COURT.

6 (D) UNLESS POSSESSION OF MARIJUANA UNDER THIS SECTION IS
7 SPECIFICALLY CHARGED, POSSESSION OF MARIJUANA UNDER THIS SECTION MAY
8 NOT BE TREATED AS A LESSER INCLUDED OFFENSE OF ANY GREATER OFFENSE
9 DEFINED IN THIS ARTICLE OR AT COMMON LAW.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1996.