

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1222

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosenberg” and substitute “Rosenberg, and Hutchins”; in line 2, strike “Putnam” and substitute “Putman”; strike beginning with “who” in line 3 down through “marijuana” in line 28 and substitute “in certain marijuana prosecutions to introduce, and requiring the court to consider as a mitigating factor, certain evidence related to medical necessity under certain circumstances; establishing certain penalties under certain circumstances; making provisions of this Act severable; and generally relating to evidence of medical necessity in marijuana-related prosecutions”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 13, inclusive; in line 16, strike “5-619(e)” and substitute “5-601(c) and 5-619(d)”; and strike in their entirety lines 21 through 33, inclusive.

On pages 2 and 3, strike beginning with “That” in line 35 on page 2 through “ENACTED,” in line 1 on page 3.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 5 through 20, inclusive, and substitute:

“(c) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

(2) 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.

(3) (I) IN A PROSECUTION FOR THE USE OR POSSESSION OF

(Over)

MARIJUANA, THE DEFENDANT MAY INTRODUCE AND THE COURT SHALL CONSIDER AS A MITIGATING FACTOR ANY EVIDENCE OF MEDICAL NECESSITY.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS THAT THE PERSON USED OR POSSESSED MARIJUANA BECAUSE OF MEDICAL NECESSITY, ON CONVICTION OF A VIOLATION OF THIS SECTION, THE MAXIMUM PENALTY THAT THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.”;

and strike beginning with “(B)” in line 22 down through “(e)” in line 24 and substitute “(d)”.

On page 4, after line 6, insert:

“(4) (I) IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING DRUG PARAPHERNALIA RELATED TO MARIJUANA, THE DEFENDANT MAY INTRODUCE AND THE COURT SHALL CONSIDER AS A MITIGATING FACTOR ANY EVIDENCE OF MEDICAL NECESSITY.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS THAT THE PERSON USED OR POSSESSED DRUG PARAPHERNALIA RELATED TO MARIJUANA BECAUSE OF MEDICAL NECESSITY, ON CONVICTION OF A VIOLATION OF THIS SUBSECTION, THE MAXIMUM PENALTY THAT THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.”.

On pages 4 through 11, strike in their entirety the lines beginning with line 7 on page 4 through line 12 on page 11, inclusive.

On page 11, in lines 13 and 19, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively.