

SB0364/713125/1

BY: Delegate Afzali

AMENDMENTS TO SENATE BILL 364, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike “- Civil Offense”; strike beginning with “making” in line 4 down through “citation;” in line 6 and substitute “establishing that a person who violates certain provisions of this Act shall be issued a certain citation; providing that a certain citation shall be forwarded to the court for a certain purpose, but may not be included in court records;”; strike beginning with “authorizing” in line 9 down through “conviction;” in line 12; in line 14, strike “civil”; and in line 15, strike “civil”.

On page 1 of the House Judiciary Committee Amendments (SB0364/352611/2), in Amendment No. 2, strike beginning with “providing” in line 4 down through “Act;” in line 5.

AMENDMENT NO. 2

On page 5 of the bill, in line 5, strike “CIVIL”.

On page 6 of the bill, in lines 13 and 14, strike “A CIVIL OFFENSE”; in line 15, strike “A FINE” and substitute “THE PENALTIES SPECIFIED IN THIS SUBPARAGRAPH”; and after line 19, insert:

“5. A. NOTWITHSTANDING § 4-101(C)(2) OF THE CRIMINAL PROCEDURE ARTICLE, A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS SHALL CHARGE A PERSON BY CITATION IF THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON IS COMMITTING A FIRST OR SECOND VIOLATION OF THIS SECTION INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA.”

(Over)

B. A CITATION ISSUED UNDER THIS SUBSUBPARAGRAPH SHALL BE FORWARDED TO THE COURT FOR PURPOSES OF RECEIVING THE PAYMENT OF THE CITATION OR THE DEFENDANT’S REQUEST FOR TRIAL, BUT MAY NOT BE RETAINED IN COURT RECORDS FOR ANY OTHER PURPOSE.”.

On page 1 of the House Judiciary Committee Amendments, in lines 4 and 7 of Amendment No. 3, strike “**A CIVIL OFFENSE**”; in line 4, strike “**\$250**” and substitute “**\$500**”; in line 7, after “**BY**” insert “**IMPRISONMENT NOT EXCEEDING 1 YEAR OR**”; in the same line, strike “**\$500**” and substitute “**\$1,000 OR BOTH**”; and in line 8, strike “**A FINE**” and substitute “**THE PENALTIES SPECIFIED IN THIS SUBPARAGRAPH**”.

On page 2 of the House Judiciary Committee Amendments, in Amendment No. 3, strike beginning with “**(D)**” in line 8 down through “**FORFEITURE.**” in line 14.

On page 9 of the bill, in line 1, before “**VIOLATION**” insert “**FIRST OR SECOND**”; and strike beginning with “**(1)**” in line 3 down through “**(C)**” in line 11.

On page 10 of the bill, in lines 7, 9, 11, and 16, strike “**(D)**”, “**(E)**”, “**(F)**”, and “**(G)**”, respectively, and substitute “**(C)**”, “**(D)**”, “**(E)**”, and “**(F)**”, respectively.