

HB1071/493324/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 1071
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Criminal Law and Procedure – Cannabis – Fines for Smoking in Public, Stops, and Searches**”; strike beginning with “providing” in line 3 down through “cause.” in line 12 and substitute “altering the maximum fines for smoking cannabis in a public place; prohibiting a law enforcement officer from initiating a stop or a search of a person, a motor vehicle, or a vessel based solely on certain factors; prohibiting, under certain circumstances, a law enforcement officer from conducting a search of a certain area of a motor vehicle or vessel; and generally relating to cannabis.”

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–601(c)(4)

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

(As enacted by Chapter 26 of the Acts of the General Assembly of 2022)”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“Article – Criminal Law

5–601.

(c) (4) The smoking of cannabis in a public place is a civil offense punishable by:

(i) for a first finding of guilt, a fine not exceeding [~~\$250~~] \$50;
and

(ii) for a second or subsequent finding of guilt, a fine not exceeding [~~\$500~~] \$150.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 26, inclusive, and substitute:

“(A) A LAW ENFORCEMENT OFFICER MAY NOT INITIATE A STOP OR A SEARCH OF A PERSON, A MOTOR VEHICLE, OR A VESSEL BASED SOLELY ON ONE OR MORE OF THE FOLLOWING:

(1) THE ODOR OF BURNT OR UNBURNT CANNABIS;

(2) THE POSSESSION OR SUSPICION OF POSSESSION OF CANNABIS THAT DOES NOT EXCEED THE PERSONAL USE AMOUNT, AS DEFINED UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE; OR

(3) THE PRESENCE OF CASH OR CURRENCY IN PROXIMITY TO CANNABIS WITHOUT OTHER INDICIA OF AN INTENT TO DISTRIBUTE.

(B) IF A LAW ENFORCEMENT OFFICER IS INVESTIGATING A PERSON SOLELY FOR DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY OR UNDER THE INFLUENCE OF CANNABIS IN VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE OR § 8-738 OF THE NATURAL

RESOURCES ARTICLE, THE LAW ENFORCEMENT OFFICER MAY NOT CONDUCT A SEARCH OF AN AREA OF A MOTOR VEHICLE OR VESSEL THAT IS NOT:

(1) READILY ACCESSIBLE TO THE DRIVER OR OPERATOR OF THE MOTOR VEHICLE OR VESSEL; OR

(2) REASONABLY LIKELY TO CONTAIN EVIDENCE RELEVANT TO THE CONDITION OF THE DRIVER OR OPERATOR OF THE MOTOR VEHICLE OR VESSEL.

SECTION 3. AND BE IT FURTHER ENACTED, That the Exclusionary Rule and its exceptions, as judicially determined, applies to this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2023, contingent on the taking effect of Section 4 of Chapter 26 of the Acts of the General Assembly of 2022, and if Section 4 of Chapter 26 does not become effective, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2023.”.