

SENATE BILL 51

E2

3lr1000

(PRE-FILED)

By: **Senator Carter**

Requested: November 20, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Reasonable Suspicion and Probable Cause – Cannabis**

3 FOR the purpose of providing that, with a certain exception, a finding or determination of
4 reasonable suspicion or probable cause relating to possession of contraband or other
5 criminal activity may not be based solely on evidence of the odor of certain cannabis,
6 the possession of or suspicion of possession of cannabis, or the presence of money in
7 proximity to cannabis; providing that evidence obtained in violation of this Act is not
8 admissible in certain proceedings; and generally relating to reasonable suspicion and
9 probable cause.

10 BY adding to

11 Article – Criminal Procedure

12 Section 1–211

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2022 Supplement)

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

17 **Article – Criminal Procedure**

18 **1–211.**

19 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FINDING**
20 **OR DETERMINATION OF REASONABLE SUSPICION OR PROBABLE CAUSE RELATING**
21 **TO POSSESSION OF CONTRABAND OR OTHER CRIMINAL ACTIVITY MAY NOT BE BASED**
22 **SOLELY ON EVIDENCE OF:**

23 **(1) THE ODOR OF RAW OR BURNT CANNABIS;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE POSSESSION OF OR SUSPICION OF POSSESSION OF CANNABIS;**
2 **OR**

3 **(3) THE PRESENCE OF MONEY IN PROXIMITY TO CANNABIS.**

4 **(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY WHEN A LAW**
5 **ENFORCEMENT OFFICER IS INVESTIGATING WHETHER A PERSON IS DRIVING,**
6 **OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY**
7 **DRUGS, EXCEPT THAT THE ODOR OF CANNABIS MAY NOT BE THE BASIS FOR FINDING**
8 **PROBABLE CAUSE TO JUSTIFY THE SEARCH OF AN AREA OF A VEHICLE OR VESSEL**
9 **THAT IS NOT:**

10 **(1) READILY ACCESSIBLE TO THE DRIVER OR OPERATOR; OR**

11 **(2) REASONABLY LIKELY TO CONTAIN EVIDENCE RELEVANT TO THE**
12 **CONDITION OF THE DRIVER OR OPERATOR.**

13 **(C) EVIDENCE DISCOVERED OR OBTAINED IN VIOLATION OF THIS SECTION,**
14 **INCLUDING EVIDENCE DISCOVERED OR OBTAINED WITH CONSENT, IS NOT**
15 **ADMISSIBLE IN A TRIAL, A HEARING, OR ANY OTHER PROCEEDING.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.