

**Bill Number: HB 324**  
**Scott D. Shellenberger, States Attorney for Baltimore County**  
**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION OF HOUSE BILL 324**  
**CRIMINAL LAW – MARIJUANA - POSSESSION AND POSSESSION WITH INTENT**  
**TO DISTRIBUTE**

I write on behalf of the Maryland States Attorneys Association in opposition to House Bill 324, Marijuana- Possession and Possession with Intent to Distribute. The Bill proposes to increase the amount of marijuana which would only be a civil offense to possess from 10 grams to one ounce. In addition, the Bill would create a statutory presumption that a person is not in violation of the law making it a crime to distribute or possess with intent to distribute marijuana if the sole evidence of the crime is the possession of an ounce or less of marijuana.

This Bill would almost triple the amount of “personal possession” marijuana the Legislature elected to remove criminal liability for just a few years ago. Attached is a picture of slightly more than one ounce of marijuana. That is a lot of marijuana. There are obviously varying opinions throughout this State about the benefits or detriments of the decriminalization of marijuana. I will leave that issue to the opinion of others and the potential effect on the community and citizens of this State. I do know the Legislature has a task force studying this. Shouldn't we wait for their full analysis?

The biggest concern with this Bill is the creation of the presumption contrary to possible prosecution of drug dealers who choose to deal marijuana. The Bill would even create the presumption against prosecution for someone who actually sells an ounce or less of marijuana. It could arguably create the presumption for someone who possesses separately bagged amounts of marijuana which only totals up to 28 grams. It is a reality that we most often would not choose to charge a person who possesses an ounce or less of marijuana with having the intent to distribute or convince a jury of such an intent but that situation should be addressed in each case and its' circumstances. For example, if an individual has previous convictions for distributing marijuana and doesn't personally use marijuana and the police catch him with an ounce of marijuana, this Bill would likely preclude the prosecution of that person. It does not make sense that prosecutors should be required to battle a statutory presumption which does not exist in any other comparable area of the criminal law.

We ask for an unfavorable report.

