



CARRINGTON & ASSOCIATES, LLC

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**HB1071 – Criminal Law and Procedure - Cannabis - Fines for Smoking in
Public, Stops, and Searches**

FAVORABLE AS AMENDMENDED

Carrington & Associates, LLC, requests a FAVORABLE report for HB1071 as amended. This bill prohibits a law enforcement officer from (1) initiating a stop or a search of a person, motor vehicle, or vessel based solely on specified types of cannabis-related evidence and (2) conducting a search of specified areas of a motor vehicle or vessel during an investigation of a person solely for driving a motor vehicle or vessel while impaired by or under the influence of cannabis. The bill specifies that the Exclusionary Rule and its exceptions, as judicially determined, applies to the bill. In addition, the penalty for smoking cannabis in a public place is reduced for a first offense, to a maximum fine of \$50 (rather than \$250 under current law) and for a second or subsequent offense, to a maximum fine of \$150 (rather than \$500 under current law).

On behalf of our clients, we would like to thank Delegate Crutchfield and all of the Co-Sponsors for introducing this important legislation as the General Assembly works to create a dual medical and adult use cannabis industry. This bill will help guide law enforcement and the public as to how the state intends for cannabis to be treated as a legal substance that can be possessed, but not consumed, in a motor vehicle or vessel. This is yet another necessary clarification that is needed as other related bills are moving through the process.

For the stated reasons, we ask for a FAVORABLE report on HB1071 as amended. Please contact Darrell Carrington at darrell.carrington@verizon.net, if you have questions, or would like additional information.

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