

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 73  
Criminal Law – Cannabis – Related Offenses – Civil Penalties  
**DATE:** January 18, 2023  
(2/1)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 73. Senate Bill 73 removes “civil use amount” definition from the Criminal Law Article (CR) §5-101. It also alters the civil penalties for cannabis related offenses under CR §5-101 to state a finding of guilt involving the use of possession of an amount of cannabis exceeding the personal use amount is a civil offense punishable by a fine not exceeding \$250.00 and a person who is found guilty of a civil offense involving the use or possession of an amount of cannabis exceeding the person use amount may request, and shall be granted, a penalty of up to 75 hours of community service in lieu of a fine. This legislation also removes the penalty provision under CR §5-101 for possession of civil use amount of cannabis (currently a civil offense punishable by a fine not exceeding \$250.00).

The Judiciary opposes this bill because portions of the bill—such as at Criminal Law §§ 5-601(c)(i) and 5-607(a)(2)(ii)—mandate the penalties that courts must issue for certain violations under certain circumstances. This would remove Judicial discretion to assign appropriate penalties for those situations. The Judiciary believes it is important for Judges to have discretion to craft judgments or sentences based on the particular circumstances of a case.

cc. Hon. Jill Carter  
Judicial Council  
Legislative Committee  
Kelley O’Connor