

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

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 980  
Criminal Procedure – Probation, Parole, and Pretrial Release  
Violations – Cannabis Use  
**DATE:** March 1, 2023  
(3/7)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 980. House Bill 980 alters language to state that a court may not revoke a defendant’s pre-trial release or find a defendant has violated probation, and the Parole Commission may not find that a parolee has violated parole, solely on the use of cannabis or a positive test for cannabis unless a court (or, for parole, the Parole Commission) makes a specific finding that the defendant’s/parolee’s use of cannabis could create a danger to the defendant/parolee or others.

The Judiciary opposes this restriction on judicial discretion. Courts possess the discretion to order pretrial release and terms of probation that are in the best interests of a defendant and public safety. These involve restrictions on behavior, including but not limited to, the refraining from alcohol and entering “no contact” provisions. Judges need this discretion to ensure compliance with adhering to these conditions and addressing consequences for noncompliance with those orders. Restricting a judge’s ability to address the use and potential abuse of this substance while a defendant is on pretrial release or on probation could present a risk to the defendant and the safety of the public.

cc. Hon. Caylin Young  
Judicial Council  
Legislative Committee  
Kelley O’Connor