

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 441
Criminal Law – Cannabis – Related Offenses – Civil Penalties
DATE: January 31, 2024
(2/13)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 441. This bill 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)(2)(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. Debra Davis
Judicial Council
Legislative Committee
Kelley O’Connor