

House Bill 1312: Segment 17
Mandatory Drug Evaluation & Treatment (p 36)

State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4-262 and 4-263.

[3.] (III) An affirmative defense under this [subparagraph] **PARAGRAPH** may not be used if the defendant was:

[A.] 1. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

[B.] 2. in possession of more than 1 ounce of marijuana.

[(4)] A violation of this section involving the smoking of marijuana in a public place is a civil offense punishable by a fine not exceeding \$500.

(d) The provisions of subsection (c)(2)(ii) of this section making the possession of marijuana a civil offense may not be construed to affect the laws relating to:

(1) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or

(2) seizure and forfeiture.]

(F) (1) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OR (D) OF THIS SECTION, THE COURT SHALL ORDER THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO EVALUATE THE DEFENDANT FOR DRUG DEPENDENCE AND PROVIDE AN ASSESSMENT TO DETERMINE WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT.

(2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL CONDUCT AN EVALUATION OF THE DEFENDANT AND PROVIDE AN ASSESSMENT TO THE COURT, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY, AND THE STATE IDENTIFYING THE DEFENDANT'S DRUG TREATMENT NEEDS.

(3) THE COURT SHALL CONSIDER AND INCORPORATE THE RESULTS OF THE ASSESSMENT PERFORMED IN PARAGRAPH (2) OF THIS SUBSECTION INTO THE DEFENDANT'S SENTENCE AND:

(I) IF THE COURT FINDS THAT THE DEFENDANT IS NOT AN IMMINENT RISK TO PUBLIC SAFETY, THE COURT SHALL SUSPEND THE SENTENCE AND ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE DEFENDANT IS IN NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE DIVISION OF PAROLE AND PROBATION TO PROVIDE APPROPRIATE TREATMENT IN THE COMMUNITY AS IDENTIFIED IN THE ASSESSMENT; OR

Links

The text above is extracted from the original HB1312 dated 2/13/2016.

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To see the current text of this legislation go to:

<http://mgaleg.maryland.gov/2016RS/bills/hb/hb1312f.pdf> or

<http://mgaleg.maryland.gov/2016RS/bills/sb/sb1005f.pdf>

To view the Maryland Alliance for Justice Reform summary page go to:

<http://www.ma4jr.org/jra-summary/>

To view the Maryland Alliance for Justice Reform's index to the JRA:

<http://www.ma4jr.org/jra-index/>

To see the legislative initiatives of the Maryland Alliance for Justice Reform:

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<http://www.ma4jr.org/>

Maryland Alliance for Justice Reform (MAJR) played a central 2015 role in advocating and supporting efforts to pass the Justice Reinvestment initiative in Maryland. While the 2016 JRA bill is not perfect from MAJR's viewpoint, its many important reforms could reduce Maryland's prison population by 16% and save \$270 million within 10 years.

By reinvesting those funds in alternatives to incarceration, our state's crime rate also could be reduced, taxpayer funds could be saved, while communities and families are strengthened. **For all these reasons, MAJR strongly recommends support and passage of the 2016 Maryland Justice Reinvestment Act.** Together, we can work to fill policy gaps and make further improvements through supplemental policy initiatives and legislation in future years.