

HOUSE BILL 615

E2

5l2094
CF 5l2698

By: **Delegates Moon, Morales, Anderson, Carter, Jalisi, Korman, Platt, and Smith**
Introduced and read first time: February 12, 2015
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 2015

CHAPTER _____

1 AN ACT concerning

2 ~~Division of Parole and Probation – Revocation~~ Sanctioning Prohibited –
3 Marijuana Citation

4 FOR the purpose of ~~prohibiting the Division of Parole and Probation from issuing a certain~~
5 ~~warrant or a certain notice of violation for a certain offender or parolee charged with~~
6 ~~a certain marijuana violation or who submits a urinalysis that is positive for~~
7 ~~marijuana; and generally relating to the Division of Parole and Probation~~ providing
8 that a person may not be sanctioned for a violation of a condition of probation or
9 parole for the sole reason that the person received a certain citation, subject to a
10 certain exception; and generally relating to parole and probation.

11 BY adding to
12 Article – Correctional Services
13 Section 6–119
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2014 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Correctional Services**

19 **6–119.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~NOTWITHSTANDING ANY OTHER LAW, THE DIVISION MAY NOT ISSUE A WARRANT FOR THE RETAKING OF AN OFFENDER OR A PAROLEE OR SEND A NOTICE OF VIOLATION TO THE COURT FOR AN OFFENDER CHARGED WITH A VIOLATION OF § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA OR WHO SUBMITS A URINALYSIS THAT IS POSITIVE FOR MARIJUANA IF THE CHARGE OR POSITIVE URINALYSIS IS THE ONLY REASON FOR THE WARRANT OR THE NOTICE OF VIOLATION.~~

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND NOTWITHSTANDING ANY OTHER LAW, A PERSON MAY NOT BE SANCTIONED FOR A VIOLATION OF A CONDITION OF PROBATION OR PAROLE FOR THE SOLE REASON THAT THE PERSON RECEIVED A CITATION FOR THE COMMISSION OF A NONJAILABLE CIVIL OFFENSE.

(B) THIS SECTION DOES NOT APPLY TO AN OFFENDER WHO IS ON PROBATION OR PAROLE FOR A VIOLATION OF § 21-902 OR § 21-903 OF THE TRANSPORTATION ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.