



## Maryland Law Change Effective October 1, 2014

### Q&A - Criminal and Civil Impacts of Possession of Marijuana

#### Q. What is the current law on possession of marijuana?

A. Possession of Paraphernalia: A person in possession of drug paraphernalia is subject to a fine of \$500 for the first offense, and upon a second or subsequent offense, a possible period of imprisonment of up to 2 years, and a fine of \$2,000.

Possession under 10g: A person in possession of less than 10 grams of marijuana is subject to a possible period of imprisonment for up to 90 days and/or a fine of up to \$500.

Possession over 10g: A person in possession of marijuana over 10 grams is subject to a possible period of imprisonment for up to one year and/or a fine of up to \$1,000.

Possession with the intent to distribute: A person who has an amount of marijuana that could be used for distribution, or the circumstances indicate an intent to distribute, could be subject to a period of imprisonment of up to 5 years and a fine of \$15,000. There are possible enhanced penalties for repeat offenders.

#### Q. What laws on possession of marijuana change as of October 1, 2014?

A. Only the law on possession of marijuana less than 10 grams will change.

#### Q. How will the law change on possession of marijuana less than 10 grams as of October 1, 2014?

A. A violation of possession of marijuana less than 10 grams is a civil offense punishable by a fine of up to \$100 for a first offense.

#### Q. What happens if a person is charged with possession of marijuana less than 10 grams?

A. A citation is issued and must be signed by the issuing officer and must contain (1) the name and address of the person charged; (2) the date and time the violation occurred; (3) the location where the violation occurred; (4) the fine that may be imposed; and (5) notice stating prepayment of the fine is allowed. A person may either pay the fine in full or request a trial date from the District Court.

#### Q. Does it matter how old the person is who is charged?

A. Yes.

##### Under the age of 18:

If the person is less than the age of 18 and charged with this offense, they will be subject to juvenile court procedures and dispositions, including referral to an alcohol or a substance abuse education or rehabilitation program. A police officer authorized to make arrests must issue a citation to a child if the officer has probable cause to believe the child is committing an offense.

##### Under the Age of 21 but older than 18:

If the person is younger than age 21 but older than 18 the person must appear for trial and may not pay a prepaid fine like someone over the age of 21. Additionally, the court must order a person under 21 to attend a State-approved drug education program and refer the person to get an assessment for a substance abuse disorder. After the assessment, the court must refer the person to substance abuse treatment, if necessary.

**Q. Do the penalties increase if there is a subsequent violation?**

Yes. If the person is charged with a subsequent violation, the fines and penalties increase. The fine increases to \$250 for a second offense, and the maximum fine for a third or subsequent offense is \$500. If a person commits a third or subsequent violation, or is younger than age 21, the person must appear in court for trial. The court costs in any case that goes to court are \$22.50, in addition to any fine imposed by a judge.

**Q. What affect will this charge have on my public record?**

Under the age of 18:

Juvenile records are not public record.

Over the age of 18:

A violation for possession of less than 10 grams of marijuana is not subject to public inspection and may not be included on the public website maintained by the Maryland Judiciary.

**Prepared by: Timothy Mitchell, Esq.,** a Board Member and Officer of HCDrugFree. The information provided here should be used as reference only and is not intended to provide legal advice. If you or someone you know has been charged with a drug offense, you are strongly encouraged to seek legal advice.