

SENATE BILL 396

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4lr1528
CF HB 320

By: **Senators Folden, Bailey, Carozza, Hershey, Mautz, McKay, Ready, Salling, Simonaire, and West**

Introduced and read first time: January 18, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Stops and Searches – Cannabis Odor and Admission of**
3 **Evidence**
4 **(Drug-Free Roadways Act of 2024)**

5 FOR the purpose of repealing a certain prohibition against a law enforcement officer
6 initiating a stop or a search of a motor vehicle based solely on the odor of burnt or
7 unburnt cannabis; repealing a certain provision of law rendering inadmissible
8 certain evidence discovered or obtained in violation of a certain provision of law; and
9 generally relating to cannabis.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 1–211
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2023 Supplement)

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

17 **Article – Criminal Procedure**

18 1–211.

19 (a) A law enforcement officer may not initiate a stop or a search of a person[, a
20 motor vehicle,] or a vessel based solely on one or more of the following:

21 (1) the odor of burnt or unburnt cannabis;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) the possession or suspicion of possession of cannabis that does not exceed the personal use amount, as defined under § 5–601 of the Criminal Law Article; or

(3) the presence of cash or currency in proximity to cannabis without other indicia of an intent to distribute.

(b) A LAW ENFORCEMENT OFFICER MAY NOT INITIATE A STOP OR A SEARCH OF A MOTOR VEHICLE BASED SOLELY ON ONE OR MORE OF THE FOLLOWING:

(1) THE POSSESSION OR SUSPICION OF POSSESSION OF CANNABIS THAT DOES NOT EXCEED THE PERSONAL USE AMOUNT, AS DEFINED UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE; OR

(2) THE PRESENCE OF CASH OR CURRENCY IN PROXIMITY TO CANNABIS WITHOUT OTHER INDICIA OF AN INTENT TO DISTRIBUTE.

(C) If a law enforcement officer is investigating a person solely for driving or attempting to drive a motor vehicle or vessel while impaired by or under the influence of cannabis in violation of § 21–902 of the Transportation Article or § 8–738 of the Natural Resources Article, the law enforcement officer may not conduct a search of an area of a motor vehicle or vessel that is not:

(1) readily accessible to the driver or operator of the motor vehicle or vessel; or

(2) reasonably likely to contain evidence relevant to the condition of the driver or operator of the motor vehicle or vessel.

[(c) Evidence discovered or obtained in violation of this section, including evidence discovered or obtained with consent, is not admissible in a trial, a hearing, or any other proceeding.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.