

Bill Number: SB860
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY, IN
OPPOSITION TO SENATE BILL 860,
CRIMINAL PROCEDURE
POSTCONVICTION REVIEW
MOTION TO VACATE

I write in opposition of Senate Bill 860. Senate Bill 860 is written to amend a new law, CP §8-301.1 that just went into effect five months ago. The entire concept upon which CP§8-301.1 is based was to give the State a vehicle by which it could correct wrongs committed by situations like the Gun Trace Task Force.

This Bill would add the use of the statute to the innumerable opportunities the defendant already has to seek relief after a conviction. The statute was designed to permit the State one opportunity to correct an inappropriate conviction, not to add a fourteenth option with unlimited opportunities to refile to a defendant.

Senate Bill 860 goes well beyond the original intent of CP §8-301. CP §8-301 was designed to right prior wrongs. Senate Bill 860 also is an attempt to get rid of the marijuana convictions before the State-wide commission studying this complex issue has written its report.

The commission is charged with reviewing and making recommendations on all issues related to marijuana including possible expungement of records. We should wait for that report and a comprehensive approach.

What is more nowhere has it been contemplated that possession with intent to distribute marijuana will no longer be a crime. Even in states which have legalized marijuana it is only State authorized retailers who can distribute marijuana. To be able to wipe out a criminal conviction for distribution when the conviction came during a time the substance was illegal goes way too far.

I urge an unfavorable report on Senate Bill 860.