

Boyd K. Rutherford
Lt. Governor

Larry Hogan
Governor

Secretary

Sam Abed

DATE: January 28, 2020

BILL NUMBER: HB 193 - Criminal Law – Use or Possession of a Controlled Dangerous Substance – De Minimis Quantity

DJS POSTITION: Letter of Information

The Department of Juvenile Services (DJS or department) is providing information for HB 193.

HB 193 decriminalizes possession of certain amounts of controlled dangerous substances. Additionally, this bill allows the court to order an individual complete a drug education program, substance use assessment or substance use treatment after multiple violations of the statute.

A delinquency proceeding may only be initiated if a juvenile is charged with an offense which would be a crime if committed by an adult or if a citation is specifically authorized. For example, Courts and Judicial Proceedings Article Section 3-8A-01 expressly allows a police officer to cite a juvenile for possessing less than 10 grams of marijuana.

This bill does not include a provision authorizing a police officer to issue a citation to a juvenile accused of violating the statute.

Because possession of a small amount of a controlled dangerous substance by an adult would no longer be a crime, a juvenile could not be charged with this offense. While a provision in this bill allows a court to order drug treatment for adults, there would be no opportunity to provide services and treatment to juveniles who are using drugs such as heroin or cocaine.