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## **POSITION ON PROPOSED LEGISLATION**

**BILL: HB 980 Criminal Procedure—Probation, Parole, Pretrial Release Violations—  
Cannabis Use**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: March 30, 2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 980. With the legalization of cannabis, there must be a fundamental reworking of the structure of our criminal legal system. One of those structures are conditions of release, probation, and parole. This bill recognizes that now that cannabis is legal, it is no longer appropriate for its consumption to be a blanket violation of conditions of release, probation, or parole. Whereas before use of cannabis was a crime and clearly a violation for prohibited persons, now its consumption is no different than alcohol or tobacco. As such, it should no longer be the basis for individuals to lose their liberty. Importantly, this bill makes clear that a limitation on cannabis use must be made at the time of ordering pretrial release, probation, or parole, so that the defendant has notice that use of cannabis could result in a revocation of their liberty.

This bill ensures that the individual is on notice that they cannot use cannabis or risk revocation of their release status, and also narrowly tailors any prohibition on cannabis use to instances where the court finds it would be a danger to allow the individual to use cannabis.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 980.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

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