

# HOUSE BILL 393

R5

5lr2319

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By: **Delegates Valentino–Smith, Folden, McComas, B. Wilson, and C. Wilson**  
Introduced and read first time: February 6, 2015  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Use or Possession of Marijuana in a Motor Vehicle – Prohibition**

3 FOR the purpose of prohibiting the use, consumption, or possession of marijuana in a motor  
4 vehicle; establishing certain penalties for a violation of this Act; and generally  
5 relating to the use, consumption, or possession of marijuana in a motor vehicle.

6 BY adding to  
7 Article – Criminal Law  
8 Section 5–601.2  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2014 Supplement)

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

13 **Article – Criminal Law**

14 **5–601.2.**

15 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
16 **INDICATED.**

17 **(2) (I) “PASSENGER AREA” MEANS AN AREA THAT:**

18 **1. IS DESIGNED TO SEAT THE DRIVER AND ANY**  
19 **PASSENGER OF A MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS IN OPERATION;**  
20 **OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1                                   **2. IS READILY ACCESSIBLE TO THE DRIVER OR A**  
2 **PASSENGER OF A MOTOR VEHICLE WHILE IN THEIR SEATING POSITIONS.**

3                                   **(II) "PASSENGER AREA" DOES NOT INCLUDE:**

4                                   **1. A LOCKED GLOVE COMPARTMENT;**

5                                   **2. THE TRUNK OF A MOTOR VEHICLE; OR**

6                                   **3. IF A MOTOR VEHICLE IS NOT EQUIPPED WITH A**  
7 **TRUNK, THE AREA BEHIND THE REARMOST UPRIGHT SEAT OR AN AREA THAT IS NOT**  
8 **NORMALLY OCCUPIED BY THE DRIVER OR A PASSENGER OF THE MOTOR VEHICLE.**

9                   **(B) NOTWITHSTANDING THE PROVISIONS OF § 5-601.1 OF THIS PART, A**  
10 **PERSON MAY NOT USE, CONSUME, OR POSSESS MARIJUANA IN THE PASSENGER AREA**  
11 **OF A MOTOR VEHICLE.**

12                   **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
13 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A**  
14 **FINE NOT EXCEEDING \$1,000 OR BOTH.**

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2015.