

(4) (I) IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING DRUG PARAPHERNALIA RELATED TO MARIJUANA, THE DEFENDANT MAY INTRODUCE AND THE COURT SHALL CONSIDER AS A MITIGATING FACTOR ANY EVIDENCE OF MEDICAL NECESSITY.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS THAT THE PERSON USED OR POSSESSED DRUG PARAPHERNALIA RELATED TO MARIJUANA BECAUSE OF MEDICAL NECESSITY, ON CONVICTION OF A VIOLATION OF THIS SUBSECTION, THE MAXIMUM PENALTY THAT THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

Approved May 22, 2003.

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## CHAPTER 443

### (House Bill 706)

AN ACT concerning

#### **Public Safety - Mandatory Supervision - Diminution Credits and Sentences**

FOR the purpose of broadening the prohibition against awarding certain inmates certain diminution credits on a sentence to apply to inmates who are convicted and sentenced to imprisonment for any crime committed while on mandatory supervision that is ~~later~~ revoked; providing for the application of this Act; and generally relating to diminution credits and mandatory supervision.

BY repealing and reenacting, with amendments,

Article - Correctional Services

Section ~~3-711~~ and 7-502

Annotated Code of Maryland

(1999 Volume and 2002 Supplement)

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