



DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF POLICY ANALYSIS
MARYLAND GENERAL ASSEMBLY

Victoria L. Gruber
Executive Director

Ryan Bishop
Director

July 25, 2022

Linda H. Lamone, Esq.
State Administrator of Elections
P.O. Box 6486
151 West Street, Suite 200
Annapolis, Maryland 21401-0486

Dear Ms. Lamone:

In accordance with § 7-105(b) of the Election Law Article, enclosed are the summaries prepared by the Department of Legislative Services of the following questions that will appear on the ballot at the 2022 general election:

Question 1 – Constitutional Amendment

Chapter 82 of 2021 (Senate Bill 666)
Court of Appeals and Special Appeals – Renaming

Question 2 – Constitutional Amendment

Chapter 808 of 2021 (Senate Bill 55)
Legislative Department – Eligibility to Serve as Senators and Delegates – Place of Abode

Question 3 – Constitutional Amendment

Chapter 809 of 2021 (Senate Bill 669)
Constitutional Amendment – Civil Jury Trials

Question 4 – Constitutional Amendment

Chapter 45 of 2022 (House Bill 1)
Constitutional Amendment – Cannabis – Adult Use and Possession

Question 5 – Constitutional Amendment

Chapter 539 of 2022 (House Bill 868)
Circuit Court for Howard County – Judges Sitting as Orphans' Court

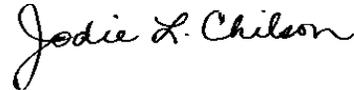
Linda H. Lamone, Esq.

July 25, 2022

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Attached is a copy of a letter dated July 18, 2022, indicating that the summaries have been approved by the Office of the Attorney General.

Sincerely,

A handwritten signature in black ink that reads "Jodie L. Chilson". The signature is written in a cursive style with a large, looping initial "J".

Jodie L. Chilson
Principal Policy Analyst

JLC/cgs

Enclosures (6)

cc: Ms. Victoria L. Gruber
Mr. Ryan Bishop
Ms. Effie C. Rife

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ASSISTANT ATTORNEY GENERAL

July 18, 2022

Victoria L. Gruber
Executive Director
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401
Via email

Dear Ms. Gruber:

Pursuant to Election Law Article, § 7-105(b)(2)(ii), we hereby approve the attached summaries of Chapter 82 (SB 666) of 2021; Chapter 808 (SB 55) of 2021; Chapter 809 (SB 669) of 2021; Chapter 45 (HB 1) of 2022; and Chapter 539 (HB 868) of 2022.

Sincerely,

A handwritten signature in blue ink that reads "Brian E. Frosh".

Brian E. Frosh
Attorney General

BEF/SBB/kd

QUESTION 1: CONSTITUTIONAL AMENDMENT

Court of Appeals and Special Appeals – Renaming

Chapter 82 of 2021 (Senate Bill 666)

Summary

Maryland has two appellate courts, which resolve appeals from the decisions of the State's trial courts. The lower appellate court is called the Court of Special Appeals, while the State's highest court is called the Court of Appeals. This constitutional amendment would change the names of the appellate courts. The Court of Special Appeals would become the Maryland Appellate Court, and the Court of Appeals would become the Supreme Court of Maryland. In addition, the judges of the Court of Appeals would become known as the justices of the Supreme Court of Maryland.

Chapter 82 of 2021 also includes provisions that make the Maryland Appellate Court and the Supreme Court of Maryland the successors to the Court of Special Appeals and the Court of Appeals, respectively, ensuring that both courts continue to operate without interruption.

QUESTION 2: CONSTITUTIONAL AMENDMENT

Legislative Department – Eligibility to Serve as Senators and Delegates – Place of Abode

Chapter 808 of 2021 (Senate Bill 55)

Summary

This constitutional amendment would alter the eligibility requirements for the office of senator or delegate.

Under current provisions of the Maryland Constitution, a person is eligible to serve as a senator or delegate if the person (1) is at least age 25 (for senator) or age 21 (for delegate) on the date of the election; (2) is a citizen of the State; (3) has resided in the State for at least one year before the date of the election; and (4) has resided in the district to which the person has been elected to represent for six months immediately preceding the date of the election or, if the district has been established for less than six months prior to the date of election, as long as the district has been established.

Under this constitutional amendment, beginning January 1, 2024, a person would be required to have both resided in *and maintained a primary place of abode* in the district the person has been chosen to represent for at least six months immediately preceding the date of the person's election or, if the district has been established for less than six months prior to the date of election, as long as the district has been established.

QUESTION 3: CONSTITUTIONAL AMENDMENT

Constitutional Amendment – Civil Jury Trials

Chapter 809 of 2021 (Senate Bill 669)

Summary

This constitutional amendment would provide that legislation may be enacted to limit the right to a jury trial in a civil proceeding in which the amount in controversy is not more than \$25,000 instead of not more than \$15,000, as currently specified in the Maryland Constitution. The dollar amount specified in the constitutional amendment excludes attorney's fees that may be recoverable in the civil proceeding.

Legislation passed in the 2021 session of the General Assembly, contingent on the approval of this constitutional amendment by the voters, would provide that a party may not demand a jury trial in a civil proceeding if the amount in controversy does not exceed \$25,000, excluding attorney's fees if attorney's fees are recoverable in the proceeding. In that case, a judge, rather than a jury, would determine the verdict.

QUESTION 4: CONSTITUTIONAL AMENDMENT

Constitutional Amendment – Cannabis – Adult Use and Possession

Chapter 45 of 2022 (House Bill 1)

Summary

This constitutional amendment adds new Article XX to the Maryland Constitution to provide that on or after July 1, 2023, an individual in the State who is at least 21 years old may use and possess cannabis (otherwise known as marijuana). This authorization would be subject to a requirement that the General Assembly pass legislation providing for the use, distribution, possession, regulation, and taxation of cannabis within the State.

Under current State law, possession of 10 grams or more of marijuana is a misdemeanor, punishable by imprisonment for up to six months, a fine of up to \$1,000, or both. Possession of less than 10 grams of marijuana is a civil offense, punishable by a fine of up to \$100 for a first offense, \$250 for a second offense, and \$500 for a third or subsequent offense.

Marijuana is listed on Schedule I under the federal Controlled Substances Act. For a drug or substance to be classified as Schedule I, the following findings must be made: (1) the substance has a high potential for abuse; (2) the drug or other substance has no currently accepted medical use in the United States; and (3) there is a lack of accepted safety for use of the drug or other substance under medical supervision.

During the 2022 session, the Maryland General Assembly also passed companion legislation, Chapter 26 – House Bill 837, which alters various provisions of law applicable to the use, possession, and distribution of cannabis, contingent on the approval of this constitutional amendment. Among other things, Chapter 26:

- repeals the term marijuana and replaces it with cannabis;
- legalizes possession by a person at least 21 years old of no more than 1.5 ounces of cannabis, or equivalent amounts including no more than 2 cannabis plants, effective July 1, 2023;
- makes it a fineable civil offense for a person to possess up to 2.5 ounces of cannabis;
- reduces the crime of possession with intent to distribute cannabis to a misdemeanor subject to maximum penalties of three years imprisonment and/or a \$5,000 fine and provides that possession of less than 2.5 ounces of cannabis without other evidence of an intent to distribute or dispense does not constitute possession with intent to distribute;
- repeals criminal penalties associated with cannabis paraphernalia;

- authorizes a person incarcerated for a conviction related to possession of cannabis to apply to the court for resentencing;
- authorizes a person who is convicted of possession of cannabis to file a petition for expungement of the conviction after the satisfactory completion of the sentence including probation;
- authorizes a person who is convicted of possession with the intent to distribute cannabis to file a petition for expungement of the conviction three years after satisfaction of the sentence;
- requires the Attorney General to provide the General Assembly with a formal opinion regarding the impact of cannabis legalization on the authority of police officers to conduct searches of individuals and vehicles based on detection of the odor of cannabis;
- requires specified agencies and entities to complete studies, collect and report data, and develop standards regarding the use of cannabis, the medical cannabis industry, and the adult-use cannabis industry;
- creates a Cannabis Public Health Advisory Council; and
- establishes various funds relating to business assistance and public health.

Eighteen other states have legalized recreational cannabis use by adults. A total of 37 states regulate cannabis for medical use by qualified individuals. Maryland has had a medical cannabis program in place since 2014.

QUESTION 5: CONSTITUTIONAL AMENDMENT

Circuit Court for Howard County – Judges Sitting as Orphans’ Court

CHAPTER 539 of 2022 (House Bill 868)

Summary

This constitutional amendment would repeal the requirement that voters in Howard County elect three orphans’ court judges and would instead require Howard County Circuit Court judges to alternately sit as an orphans’ court, as is currently required in Harford and Montgomery counties. When sitting as an orphans’ court, the judges would have all of the power, authority, and jurisdiction of the orphans’ court. If this constitutional amendment passes, a party would no longer have the option to appeal a final judgment of the orphans’ court to the Circuit Court for Howard County and would instead have to take the appeal directly to the Court of Special Appeals.

Currently, the Maryland Constitution provides for the election of three orphans’ court judges in Baltimore City and in each county, except in Harford and Montgomery counties. An orphans’ court hears all contested matters regarding a decedent’s estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives’ commissions, and attorney’s fees in all estates; and shares jurisdiction with the circuit courts over the guardianship of minors and their property. A provision in Maryland law allows a party to appeal a final judgment of an orphans’ court to the circuit court for the county.

For this constitutional amendment to take effect, it must be approved by both a majority of the statewide voters and a majority of the voters in Howard County.