

2020 SESSION

HB 972 Marijuana; definitions, possession and consumption, civil penalties, report.

Introduced by: [Charniele L. Herring](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS ENACTED WITH GOVERNOR'S RECOMMENDATION: (all summaries)

Possession and consumption of marijuana; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana shall be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgements shall not be reported to the Central Criminal Records Exchange. However, the bill states that if a violation occurs while an individual is operating a commercial motor vehicle, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill also provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, the bill provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations. The bill defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Also, the bill allows a person charged with a civil offense who is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 30, 2020. This bill incorporates [HB 265](#), [HB 301](#), and [HB 481](#) and is identical to [SB 2](#).

FULL TEXT

[01/07/20 House: Prefiled and ordered printed; offered 01/08/20 20103384D](#) pdf | impact statement

[02/05/20 House: Committee substitute printed 20107729D-H1](#) pdf | impact statement

[02/19/20 Senate: Committee substitute printed 20108635D-S1](#) pdf | impact statement

[02/25/20 Senate: Committee substitute printed 20108924D-S2](#) pdf | impact statement

[03/05/20 House: First Conference substitute printed 20109632D-H2](#) pdf

[03/08/20 House: Second Conference substitute printed 20109945D-H3](#) pdf

[03/18/20 House: Bill text as passed House and Senate \(HB972ER\)](#) pdf | impact statement

[04/22/20 House: Reenrolled bill text \(HB972ER2\)](#) pdf

AMENDMENTS

[House committee, floor amendments and substitutes offered](#)

[Conference amendments](#)

[Governor's recommendation](#)

HISTORY

[01/07/20 House: Prefiled and ordered printed; offered 01/08/20 20103384D](#)

01/07/20 House: Referred to Committee for Courts of Justice

02/05/20 House: Committee substitute printed 20107729D-H1

02/05/20 House: Incorporates HB265 (Heretick)

02/05/20 House: Incorporates HB481 (Kory)

02/05/20 House: Incorporates HB301 (Levine)

02/05/20 House: Reported from Courts of Justice with substitute (13-Y 8-N)

02/06/20 House: Read first time

02/07/20 House: Read second time

02/07/20 House: Committee substitute agreed to 20107729D-H1

02/07/20 House: Engrossed by House - committee substitute HB972H1

02/10/20 House: Read third time and passed House (64-Y 34-N)

02/10/20 House: VOTE: Passage (64-Y 34-N)

02/11/20 Senate: Constitutional reading dispensed

02/11/20 Senate: Referred to Committee on the Judiciary

02/19/20 Senate: Reported from Judiciary with substitute (10-Y 4-N)

02/19/20 Senate: Rereferred to Finance and Appropriations

02/19/20 Senate: Committee substitute printed 20108635D-S1

02/25/20 Senate: Reported from Finance and Appropriations with substitute (14-Y 2-N)

02/25/20 Senate: Committee substitute printed 20108924D-S2

02/26/20 Senate: Constitutional reading dispensed (38-Y 0-N)

02/26/20 Senate: Read third time

02/26/20 Senate: Committee substitute rejected 20108635D-S1

02/26/20 Senate: Reading of substitute waived

02/26/20 Senate: Committee substitute agreed to 20108924D-S2

02/26/20 Senate: Passed by temporarily

02/26/20 Senate: Engrossed by Senate - committee substitute HB972S2

02/26/20 Senate: Passed Senate with substitute (27-Y 13-N)

02/26/20 House: Senate substitute rejected by House 20108924D-S2 (0-Y 93-N)

02/26/20 House: VOTE: REJECTED (0-Y 93-N)

02/26/20 Senate: Senate insisted on substitute (40-Y 0-N)

02/26/20 Senate: Senate requested conference committee

02/27/20 House: House acceded to request

02/27/20 House: Conferees appointed by House

02/27/20 House: Delegates: Herring, Heretick, Collins

02/27/20 Senate: Conferees appointed by Senate

02/27/20 Senate: Senators: Ebbin, Morrissey, Stanley

03/05/20 Conference: Amended by conference committee

03/05/20 House: First Conference substitute printed 20109632D-H2

03/07/20 House: Conference report agreed to by House (57-Y 39-N)

03/07/20 House: VOTE: Adoption (57-Y 39-N)

03/07/20 House: House requested second conference committee

03/07/20 Senate: Conference report rejected by Senate (2-Y 38-N)

03/07/20 Senate: Senate requested second conference committee (27-Y 13-N)

03/07/20 Senate: Senate acceded to request for second conference committee (27-Y 12-N)

03/07/20 Senate: Second conferees appointed by Senate

03/07/20 Senate: Senators: Ebbin, Morrissey, Stanley

03/07/20 House: Second conferees appointed by House

03/07/20 House: Delegates: Herring, Heretick, Collins

03/08/20 House: Second Conference substitute printed 20109945D-H3

03/08/20 House: Conference report agreed to by House (56-Y 36-N)

03/08/20 House: VOTE: Adoption (56-Y 36-N)

03/08/20 Senate: Conference report agreed to by Senate (27-Y 12-N)

03/18/20 House: Enrolled

03/18/20 House: Bill text as passed House and Senate (HB972ER)

03/18/20 Senate: Signed by President

03/19/20 House: Signed by Speaker

03/20/20 House: Enrolled Bill communicated to Governor on March 20, 2020

03/20/20 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2020

04/11/20 House: Governor's recommendation received by House

04/22/20 House: Placed on Calendar

04/22/20 House: House concurred in Governor's recommendation (59-Y 34-N)

04/22/20 House: VOTE: (59-Y 34-N)

04/22/20 House: Reconsideration of Governor's recommendation agreed to

04/22/20 House: Passed by temporarily

04/22/20 House: House concurred in Governor's recommendation #'s 1-5 and 7-17 (58-Y 35-N)

04/22/20 House: VOTE: Agree to (58-Y 35-N)

04/22/20 House: House rejected Governor's recommendation #6 (1-Y 90-N)

04/22/20 House: VOTE: Agree to (1-Y 90-N)

04/22/20 Senate: Senate rejected Governor's recommendation #17 (5-Y 35-N)

04/22/20 Senate: Senate concurred in Governor's recommendations #1-5 #7-16 (26-Y 14-N)

04/22/20 Governor: Governor's recommendation adopted in-part

04/22/20 House: Reenrolled

04/22/20 House: Reenrolled bill text (HB972ER2)

04/22/20 House: Signed by Speaker as reenrolled

04/22/20 Senate: Signed by President as reenrolled

04/29/20 House: Reenrolled Bill communicated to Governor on April 29, 2020

04/29/20 Governor: Governor's Action Deadline 11:59 p.m., May 22, 2020

05/21/20 Governor: Approved by Governor-Chapter 1285 (effective 7/1/20)
