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By: **Delegates Marriott, Benson, Cole, D. Davis, Fulton, Grosfeld, Howard,  
A. Jones, V. Jones, Kirk, Nathan-Pulliam, Patterson, Proctor, and  
Rawlings**

Introduced and read first time: February 3, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crack Cocaine Equitable Sentencing Act**

3 FOR the purpose of repealing the provision of law that subjects a person who is  
4 convicted of a violation involving a certain amount of crack cocaine to a certain  
5 fine and a certain mandatory minimum term of imprisonment with, except  
6 under a certain circumstance, no opportunity for parole; and generally relating  
7 to penalties for crimes involving controlled dangerous substances.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 286(f)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1999 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 286.

17 (f) (1) If a person violates subsection (a)(1) of this section and the violation  
18 involves any of the following controlled dangerous substances, in the amounts  
19 indicated, the person is subject to the penalties provided in paragraph (3) of this  
20 subsection upon conviction:

21 (i) 50 pounds or more of marijuana;

22 (ii) 448 grams or more of cocaine or 448 grams or more of any  
23 mixture containing a detectable amount of cocaine;

24 (iii) [50 grams or more of cocaine base, commonly known as "crack";

1 (iv)] 28 grams or more of morphine or opium or any derivative, salt,  
2 isomer, or salt of an isomer of morphine or opium or any mixture containing 28 grams  
3 or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of  
4 morphine or opium;

5 [(v)] (IV) 1,000 dosage units of lysergic acid diethylamide or any  
6 mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

7 [(vi)] (V) 16 ounces or more of phencyclidine in liquid form or 448  
8 grams or more of any mixture containing phencyclidine; or

9 [(vii)] (VI) 448 grams or more of methamphetamine or any mixture  
10 containing 448 grams or more of methamphetamine.

11 (2) For purposes of determining the quantity of a controlled dangerous  
12 substance under paragraph (1) of this subsection, the quantity of controlled  
13 dangerous substances involved in individual acts of manufacturing, distribution,  
14 dispensing, or possessing with intent to distribute may be aggregated if each  
15 aggregate act of manufacturing, distribution, dispensing, or possessing with the  
16 intent to distribute occurred within a period of 90 days.

17 (3) (i) A person convicted of violating paragraph (1) of this subsection  
18 is guilty of a felony and shall be subject to a fine not exceeding \$100,000 and shall be  
19 sentenced as otherwise provided for in this section, except that it is mandatory upon  
20 the court to impose no less than 5 years' imprisonment, and neither that term of  
21 imprisonment nor any part of it may be suspended.

22 (ii) The person may not be eligible for parole except in accordance  
23 with § 4-305 of the Correctional Services Article.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2000.