

**HB0845/342918/3**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 845, AS AMENDED  
(First Reading File Bill)

AMENDMENT NO. 1

Strike the House Judiciary Committee Amendments (HB0845/752110/1) in their entirety. On page 1 of the bill, in line 3, strike “penalties” and substitute “the penalty”; in the same line, after “for” insert “a”; in the same line, strike “offenses” and substitute “offense”; and strike beginning with “altering” in line 9 down through “date;” in line 18 and substitute “prohibiting a person from distributing or dispensing a controlled dangerous substance or possessing a controlled dangerous substance under certain circumstances; establishing certain penalties;”.

On page 2 of the bill, in line 2, strike “5-609.1” and substitute “5-601.1”.

AMENDMENT NO. 2

On page 3 of the bill, after line 16, insert:

**“5-601.1.**

**(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT DISTRIBUTE OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE OR POSSESS A CONTROLLED DANGEROUS SUBSTANCE IN SUFFICIENT QUANTITY REASONABLY TO INDICATE UNDER ALL CIRCUMSTANCES AN INTENT TO DISTRIBUTE OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE, IF:**

**(1) THE PERSON IS DRUG DEPENDANT, AS DETERMINED BY THE COURT; AND**

(Over)

**(2) THE AMOUNT OF THE CONTROLLED DANGEROUS SUBSTANCE INVOLVED IS EQUAL TO OR LESS THAN:**

- (I) 28 GRAMS OF MARIJUANA;**
- (II) 2 GRAMS OF COCAINE;**
- (III) 2 GRAMS OF ANY MIXTURE CONTAINING A DETECTABLE AMOUNT OF COCAINE;**
- (IV) 2 GRAMS OF COCAINE BASE, COMMONLY KNOWN AS “CRACK”;**
- (V) 2 GRAMS OF MORPHINE OR OPIUM OR ANY DERIVATIVE, SALT, ISOMER, OR SALT OF AN ISOMER OF MORPHINE OR OPIUM;**
- (VI) ANY MIXTURE CONTAINING 2 GRAMS OF MORPHINE OR OPIUM OR ANY DERIVATIVE, SALT, ISOMER, OR SALT OF AN ISOMER OF MORPHINE OR OPIUM;**
- (VII) 1 MILLIGRAM OF LYSERGIC ACID DIETHYLAMIDE;**
- (VIII) ANY MIXTURE CONTAINING THE EQUIVALENT OF 1 MILLIGRAM OF LYSERGIC ACID DIETHYLAMIDE;**
- (IX) 125 MILLIGRAMS OF ANY MIXTURE CONTAINING PHENCYCLIDINE;**
- (X) 7 GRAMS OF METHAMPHETAMINE; OR**

(XI) ANY MIXTURE CONTAINING 7 GRAMS OF METHAMPHETAMINE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO SENTENCING UNDER § 5-607 THROUGH § 5-609 OF THIS SUBTITLE IF THE PERSON:

(I) WAS CONVICTED PREVIOUSLY OF OR RECEIVED A PROBATION BEFORE JUDGMENT FOR A VIOLATION OF § 5-602 OF THIS SUBTITLE OR SUBSECTION (A) OF THIS SECTION;

(II) WAS CONVICTED WITHIN THE PRECEDING 3 YEARS OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS ARTICLE; OR

(III) WAS AN ADULT AT THE TIME OF THE VIOLATION AND THE VIOLATION INVOLVED THE DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE TO A MINOR.”.

AMENDMENT NO. 3

On page 3 of the bill, in line 32, strike “§ 5-608 [and 5-609], § 5-609, OR § 5-609.1” and substitute “§§ 5-601.1(B)(1), 5-608, AND 5-609”; and in line 33, strike “5-602” and substitute “5-601.1”.

On page 4 of the bill, in line 12, strike “5-609.1” and substitute “5-601.1(B)(1)”; and in line 13, strike “5-602” and substitute “5-601.1”.

On page 6 of the bill, in line 13, strike “**5-609.1**” and substitute “**5-601.1(B)(1)**”; and in line 14, strike “5-602” and substitute “**5-601.1**”.

On pages 8 through 10 of the bill, strike in their entirety the lines beginning with line 27 on page 8 through line 8 on page 10, inclusive.

On page 10 of the bill, in line 9, strike “3.” and substitute “2.”.