

SENATE BILL 315

E1

6lr1647

By: **Senators Hough, Brochin, Cassilly, Norman, and Ready**

Introduced and read first time: January 26, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Homicide, Kidnapping, and Drug Offenses – Penalties**

3 FOR the purpose of altering the maximum penalties for murder in the second degree,
4 manslaughter, and kidnapping; prohibiting a person from distributing heroin mixed
5 with fentanyl; establishing penalties; requiring that a sentence for the distribution
6 of heroin mixed with fentanyl be consecutive to any other sentence imposed; and
7 generally relating to criminal penalties.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 2–204, 2–207, and 3–502

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Criminal Law

15 Section 5–602 and 5–608(a)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2015 Supplement)

18 BY adding to

19 Article – Criminal Law

20 Section 5–608.1

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2015 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2–204.

2 (a) A murder that is not in the first degree under § 2–201 of this subtitle is in the
3 second degree.

4 (b) A person who commits a murder in the second degree is guilty of a felony and
5 on conviction is subject to imprisonment not exceeding [30] 40 years.

6 2–207.

7 (a) A person who commits manslaughter is guilty of a felony and on conviction is
8 subject to:

9 (1) imprisonment not exceeding [10] 15 years; or

10 (2) imprisonment in a local correctional facility not exceeding 2 years or a
11 fine not exceeding \$500 or both.

12 (b) The discovery of one's spouse engaged in sexual intercourse with another does
13 not constitute legally adequate provocation for the purpose of mitigating a killing from the
14 crime of murder to voluntary manslaughter even though the killing was provoked by that
15 discovery.

16 3–502.

17 (a) A person may not, by force or fraud, carry or cause a person to be carried in or
18 outside the State with the intent to have the person carried or concealed in or outside the
19 State.

20 (b) A person who violates this section is guilty of the felony of kidnapping and on
21 conviction is subject to imprisonment not exceeding [30] 40 years.

22 (c) Kidnapping does not include the act of a parent in carrying a minor child of
23 that parent in or outside the State.

24 5–602.

25 Except as otherwise provided in this title, a person may not:

26 (1) distribute or dispense a controlled dangerous substance; or

27 (2) possess a controlled dangerous substance in sufficient quantity
28 reasonably to indicate under all circumstances an intent to distribute or dispense a
29 controlled dangerous substance.

30 5–608.

1 (a) Except as otherwise provided in this section, a person who violates a provision
2 of §§ 5–602 through 5–606 of this subtitle with respect to a Schedule I or Schedule II
3 narcotic drug is guilty of a felony and on conviction is subject to imprisonment not exceeding
4 20 years or a fine not exceeding \$25,000 or both.

5 **5–608.1.**

6 (A) A PERSON MAY NOT VIOLATE § 5–602 OF THIS SUBTITLE WITH A
7 MIXTURE THAT CONTAINS HEROIN AND A DETECTABLE AMOUNT OF FENTANYL OR
8 ANY ANALOGUE OF FENTANYL.

9 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
10 AND, IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF § 5–602
11 OF THIS SUBTITLE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING
12 5 YEARS.

13 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE
14 TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED UNDER ANY
15 OTHER PROVISION OF LAW.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2016.