

HOUSE BILL 877

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9lr1029

By: **Delegates Hettleman, Barron, Dumais, Healey, Impallaria, Korman, R. Lewis, Love, Moon, Mosby, Stewart, Washington, Wilkins, and K. Young**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Controlled Dangerous Substances – Sentences**

3 FOR the purpose of altering the penalties for manufacturing, distributing, dispensing, and
4 possessing certain amounts of certain controlled dangerous substances, acting as a
5 “drug kingpin”, and committing a subsequent violation of the prohibition against
6 manufacturing, distributing, dispensing, or possessing with intent to distribute a
7 controlled dangerous substance in a certain school vehicle or in, on, or within a
8 certain distance of certain school property; and generally relating to controlled
9 dangerous substances.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 5–612(a), 5–613(a), and 5–627(a)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 5–612(c), 5–613(b), and 5–627(c)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2018 Supplement)

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

22 **Article – Criminal Law**

23 5–612.

24 (a) A person may not manufacture, distribute, dispense, or possess:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) 50 pounds or more of marijuana;
- 2 (2) 448 grams or more of cocaine;
- 3 (3) 448 grams or more of any mixture containing a detectable amount, as
4 scientifically measured using representative sampling methodology, of cocaine;
- 5 (4) 448 grams or more of cocaine base, commonly known as “crack”;
- 6 (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,
7 or salt of an isomer of morphine or opium;
- 8 (6) 28 grams or more of any mixture containing a detectable amount, as
9 scientifically measured using representative sampling methodology, of morphine or opium
10 or any derivative, salt, isomer, or salt of an isomer of morphine or opium;
- 11 (7) 5 grams or more of fentanyl or any structural variation of fentanyl that
12 is scheduled by the United States Drug Enforcement Administration;
- 13 (8) 28 grams or more of any mixture containing a detectable amount, as
14 scientifically measured using representative sampling methodology, of fentanyl or any
15 structural variation of fentanyl that is scheduled by the United States Drug Enforcement
16 Administration;
- 17 (9) 1,000 dosage units or more of lysergic acid diethylamide;
- 18 (10) any mixture containing the equivalent of 1,000 dosage units of lysergic
19 acid diethylamide;
- 20 (11) 16 ounces or more of phencyclidine in liquid form;
- 21 (12) 448 grams or more of any mixture containing a detectable amount, as
22 scientifically measured using representative sampling methodology, of phencyclidine;
- 23 (13) 448 grams or more of methamphetamine; or
- 24 (14) 448 grams or more of any mixture containing a detectable amount, as
25 scientifically measured using representative sampling methodology, of methamphetamine.
- 26 (c) [(1)] A person who is convicted of a violation of subsection (a) of this section
27 [shall be sentenced] **IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT** to
28 imprisonment [for not less than] **NOT EXCEEDING 5 years** [and is subject to] **OR** a fine not
29 exceeding \$100,000 **OR BOTH**.
- 30 [(2)] The court may not suspend any part of the mandatory minimum
31 sentence of 5 years.

1 (3) Except as provided in § 4–305 of the Correctional Services Article, the
2 person is not eligible for parole during the mandatory minimum sentence.]

3 5–613.

4 (a) In this section, “drug kingpin” means an organizer, supervisor, financier, or
5 manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense,
6 transport in, or bring into the State a controlled dangerous substance.

7 (b) [(1)] A drug kingpin who conspires to manufacture, distribute, dispense,
8 transport in, or bring into the State a controlled dangerous substance in an amount listed
9 in § 5–612 of this subtitle is guilty of a felony and on conviction is subject to imprisonment
10 [for not less than 20 years and] not exceeding 40 years [without the possibility of parole]
11 or a fine not exceeding \$1,000,000 or both.

12 [(2)] A court may not suspend any part of the mandatory minimum sentence
13 of 20 years.

14 (3) The person is not eligible for parole during the mandatory minimum
15 sentence.]

16 5–627.

17 (a) A person may not manufacture, distribute, dispense, or possess with intent to
18 distribute a controlled dangerous substance in violation of § 5–602 of this subtitle or
19 conspire to commit any of these crimes:

20 (1) in a school vehicle, as defined under § 11–154 of the Transportation
21 Article; or

22 (2) in, on, or within 1,000 feet of real property owned by or leased to an
23 elementary school, secondary school, or county board and used for elementary or secondary
24 education.

25 (c) (1) A person who violates this section is guilty of a felony and on conviction
26 is subject to:

27 (i) for a first violation, imprisonment not exceeding 20 years or a
28 fine not exceeding \$20,000 or both; or

29 (ii) for each subsequent violation, imprisonment [not less than 5
30 years and] not exceeding 40 years or a fine not exceeding \$40,000 or both.

31 (2) [(i)] The court may not suspend the 5–year minimum sentence
32 required by paragraph (1)(ii) of this subsection.

1 (ii) Except as otherwise provided in § 4-305 of the Correctional
2 Services Article, a person sentenced under paragraph (1)(ii) of this subsection is not eligible
3 for parole during this period of the 5-year minimum sentence.

4 (3) A sentence imposed under paragraph (1) of this subsection shall be
5 consecutive to any other sentence imposed.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.