

## CF SB 71

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**By: Delegates M. Burns and Harkins**

Introduced and read first time: January 16, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 1997

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Controlled Dangerous Substances - Marijuana - Penalties**

3 FOR the purpose of altering a prohibition against bringing a certain quantity of  
 4 marijuana into the State; making a separate offense of bringing into the State a  
 5 certain amount of marijuana under certain circumstances; providing certain  
 6 penalties; providing for the application of this Act; and generally relating to the  
 7 penalties for offenses involving the possession of marijuana.

8 BY repealing and reenacting, with amendments,

9 Article 27 - Crimes and Punishments

10 Section 286A

11 Annotated Code of Maryland

12 (1996 Replacement Volume)

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 286A.

17 (a) (1) A person who brings into this State any of the following controlled  
 18 dangerous substances which it is unlawful for that person to possess, in the amounts  
 19 indicated, upon conviction, is subject to the penalty provided in ~~subsection (b)~~  
 20 SUBSECTION (B)(1) of this section:

21 ~~(1)~~ (I) [100] ~~40 pounds~~ 45 KILOGRAMS or greater of marijuana;

22 ~~(2)~~ (II) 28 grams or greater of cocaine or any mixture containing 28 grams  
 23 or greater of cocaine;

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1                    ~~(3)~~ (III) 4 grams or more of morphine or opium or any derivative, salt,  
2 isomer, or salt of an isomer of morphine or opium;

3                    ~~(4)~~ (IV) 1,000 dosage units of lysergic acid diethylamide or any mixture  
4 containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

5                    ~~(5)~~ (V) 28 grams or more of phencyclidine in liquid or powder form or 112  
6 grams or more of any mixture containing phencyclidine;

7                    ~~(6)~~ (VI) 1,000 dosage units or more of methaqualone;

8                    ~~(7)~~ (VII) 28 grams or more of methamphetamine or any mixture containing  
9 28 grams or more of methamphetamine; or

10                   ~~(8)~~ (VIII) 4 grams or more of fentanyl or a fentanyl analogue.

11                   (2) A PERSON WHO BRINGS INTO THIS STATE MARIJUANA IN THE  
12 AMOUNT OF MORE THAN 5 KILOGRAMS BUT LESS THAN 45 KILOGRAMS WHICH IT IS  
13 UNLAWFUL FOR THAT PERSON TO POSSESS IS SUBJECT TO THE PENALTY PROVIDED  
14 IN SUBSECTION (B)(2) OF THIS SECTION.

15                   (b) (1) A person convicted of violating ~~subsection (a)~~ SUBSECTION (A)(1) of  
16 this section is guilty of a felony and may be fined not more than \$50,000 or imprisoned for  
17 not more than 25 years, or both fined and imprisoned in the discretion of the court.

18                   (2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS  
19 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE  
20 THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

21                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
22 construed only prospectively and may not be applied or interpreted to have any effect on  
23 or application to any criminal action commenced before the effective date of this Act.

24                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1997.