

HOUSE BILL 103

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HB 136/98 - JUD

1999 Regular Session
9lr0622

By: **Delegates Menes and Dembrow**

Introduced and read first time: January 22, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Drug-Induced Conduct**

3 FOR the purpose of prohibiting a person from administering a controlled dangerous
4 substance or other drug to another without that person's knowledge and with
5 the intent to commit certain crimes against that person; establishing certain
6 penalties; establishing that a sentence imposed under this Act may be imposed
7 separate from and consecutive to or concurrent with a sentence for any offense
8 based on the act or acts establishing the violation of this Act; defining a certain
9 term; and generally relating to the administration of certain substances to
10 another with intent to commit a crime.

11 BY repealing and reenacting, without amendments,
12 Article 27 - Crimes and Punishments
13 Section 277(a) and (m) and 643B(a)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 BY adding to
17 Article 27 - Crimes and Punishments
18 Section 287C
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1998 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 277.

25 The following words and phrases as used in this subheading shall have the
26 following meanings unless the context otherwise requires:

1 (a) "Administer" shall mean to introduce a substance into the system of a
2 human being or animal by injection, inhalation, ingestion, application to the skin, or
3 any combination thereof or by any other means.

4 (m) "Drug" means (1) substances recognized in the official United States
5 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official
6 National Formulary, or any supplement to any of them; and (2) substances intended
7 for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man
8 or other animals; and (3) substances (other than food) intended to affect the structure
9 or any function of the body of man or other animals; and (4) substances intended for
10 use as a component of any article specified in clause (1), (2), or (3) of this paragraph;
11 but does not include devices or their components, parts, or accessories.

12 287C.

13 (A) IN THIS SECTION, "DRUG" DOES NOT INCLUDE ALCOHOL.

14 (B) A PERSON MAY NOT ADMINISTER A CONTROLLED DANGEROUS
15 SUBSTANCE OR OTHER DRUG TO ANOTHER PERSON WITHOUT THAT PERSON'S
16 KNOWLEDGE AND WITH THE INTENT TO COMMIT AGAINST THAT OTHER PERSON:

17 (1) A CRIME OF VIOLENCE AS DEFINED IN § 643B OF THIS ARTICLE; OR

18 (2) A SEXUAL OFFENSE IN THE THIRD DEGREE UNDER § 464B OF THIS
19 ARTICLE.

20 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
22 \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

23 (2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED
24 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR
25 ANY OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS
26 SECTION.

27 643B.

28 (a) As used in this section, the term "crime of violence" means abduction;
29 arson in the first degree; kidnapping; manslaughter, except involuntary
30 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
31 and 386 of this article; murder; rape; robbery; robbery with a deadly weapon;
32 carjacking or armed carjacking; sexual offense in the first degree; sexual offense in
33 the second degree; use of a handgun in the commission of a felony or other crime of
34 violence; an attempt to commit any of the aforesaid offenses; assault in the first
35 degree; and assault with intent to murder, assault with intent to rape, assault with
36 intent to rob, assault with intent to commit a sexual offense in the first degree, and
37 assault with intent to commit a sexual offense in the second degree, as these crimes
38 were previously proscribed under former § 12 of this article.

1 The term "correctional institution" includes Patuxent Institution and a local or
2 regional jail or detention center.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1999.