
By: **Delegate C. Davis**
Introduced and read first time: February 24, 1999
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances - Use of Minors - Enhanced Penalties**

3 FOR the purpose of providing that a person who is convicted a second time or more of
4 using a minor to commit certain controlled dangerous substances offenses is
5 subject to a mandatory minimum sentence of a certain number of years; and
6 generally relating to penalties for using a minor to commit certain controlled
7 dangerous substances offenses.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 286C and 286E
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1998 Supplement)

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 286C.

17 (a) A person may not hire, solicit, engage, or use a minor, in any manner, for
18 the purpose of manufacturing, distributing, or delivering, on behalf of that person,
19 any controlled dangerous substance in sufficient quantity to reasonably indicate
20 under all the circumstances an intent to distribute, unless the manufacturing,
21 delivery, or distribution has a lawful purpose.

22 (b) (1) [Any] A person who violates this section is guilty of a felony and,
23 upon conviction, shall be SUBJECT TO THE FOLLOWING PENALTIES:

24 (I) FOR A FIRST OFFENSE, [sentenced to] imprisonment for up to
25 20 years, or fined up to \$20,000, or both; OR

26 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT
27 FOR NOT LESS THAN 25 YEARS.

1 (2) THE COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY
2 25-YEAR SENTENCE REQUIRED UNDER THIS SUBSECTION, AND THE PERSON MAY
3 NOT BE ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF
4 ARTICLE 31B, § 11 OF THE CODE.

5 (3) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE SERVED
6 CONSECUTIVELY TO ANY OTHER SENTENCE IMPOSED.

7 286E.

8 (a) A person may not transport, carry, or otherwise bring a minor into the
9 State for the purpose of using the minor in the commission of a violation of § 286, §
10 286A, § 286B, § 286C, or § 286D of this subheading.

11 (b) (1) A person who violates this section is guilty of a felony and on
12 conviction is subject to THE FOLLOWING PENALTIES:

13 (I) FOR A FIRST OFFENSE, a fine of up to \$20,000 or imprisonment
14 for up to 20 years or both; OR

15 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT
16 FOR NOT LESS THAN 25 YEARS.

17 (2) THE COURT MAY NOT SUSPEND ALL OR ANY PART OF THE
18 MANDATORY 25-YEAR SENTENCE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS
19 SUBSECTION, AND THE PERSON MAY NOT BE ELIGIBLE FOR PAROLE EXCEPT IN
20 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 31B, § 11 OF THE CODE.

21 (3) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE SERVED
22 CONSECUTIVELY WITH ANY OTHER SENTENCE IMPOSED.

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