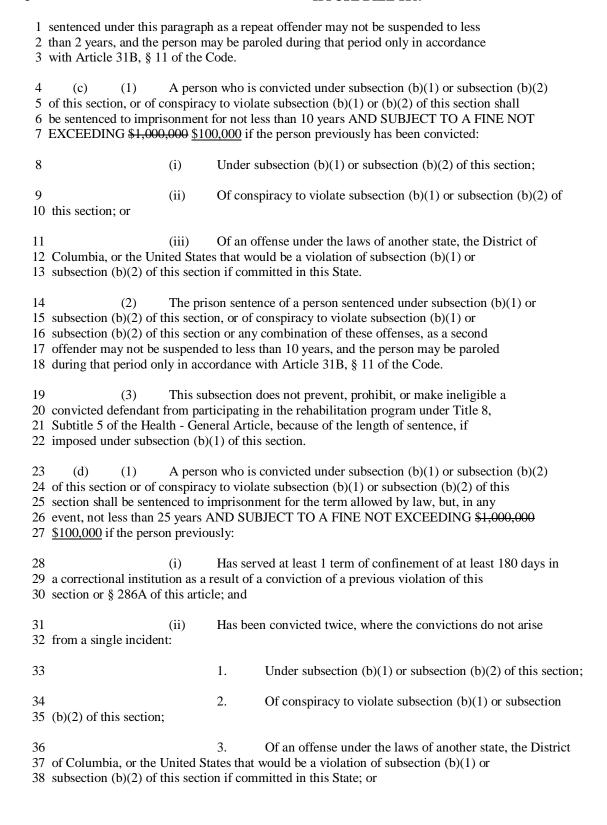
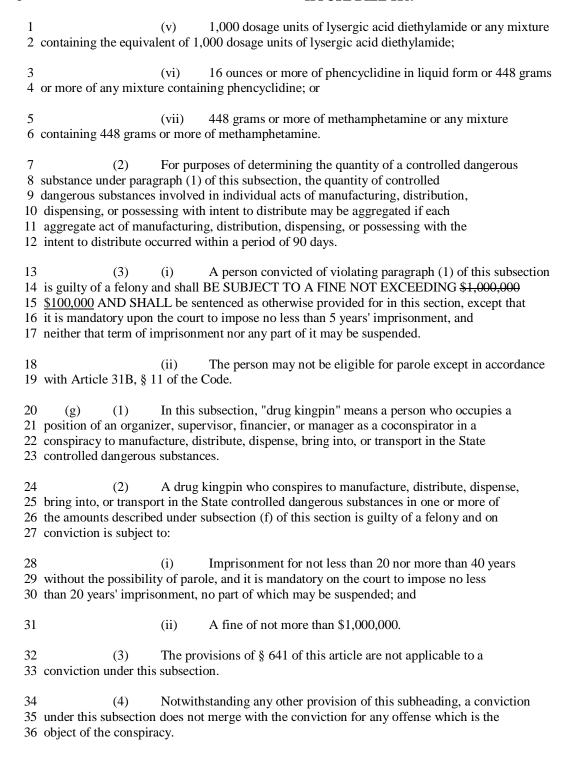
Unofficial Copy E1 1999 Regular Session 9lr2596

| By: Delegate Franchot Introduced and read first time: March 5, 1999 Assigned to: Rules and Executive Nominations Re-referred to: Judiciary, March 10, 1999 Committee Report: Favorable with amendments House action: Adopted Read second time: March 27, 1999 | | | | |
|--|--|--|--|--|
| | | | | |
| 1 | AN ACT concerning | | | |
| 2 | Crimes - Distribution of Controlled Dangerous Substances - Penalties | | | |
| 3 4 5 6 7 | FOR the purpose of altering the maximum fine for certain second and subsequent controlled dangerous substances convictions; altering the maximum fine for manufacturing, distributing, dispensing, or possessing certain controlled dangerous substances in certain amounts; and generally relating to the penalties for controlled dangerous substances violations. | | | |
| 8 9 10 11 12 | Section 286 Annotated Code of Maryland | | | |
| 13 14 | SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: | | | |
| 15 | Article 27 - Crimes and Punishments | | | |
| 16 | 286. | | | |
| 17 | (a) Except as authorized by this subheading, it is unlawful for any person: | | | |
| 20 | (1) To manufacture, distribute, or dispense, or to possess a controlled dangerous substance in sufficient quantity to reasonably indicate under all circumstances an intent to manufacture, distribute, or dispense, a controlled dangerous substance; | | | |

- 1 To create, distribute, or possess with intent to distribute, a (2) 2 counterfeit controlled dangerous substance;
- 3 To manufacture, distribute, or possess any punch, die, plate, stone, or 4 any other equipment which is designed to print, imprint, or reproduce the trademark,
- 5 trade name, or other identifying mark, imprint, or device of another or any likeness of
- 6 any of the foregoing upon any drug or container or labeling thereof so as to render the
- 7 drug a counterfeit controlled dangerous substance;
- 8 To manufacture, distribute, or possess any machine, equipment,
- 9 instrument, implement, device, or combination thereof which is adopted for the
- 10 production of controlled dangerous substances under circumstances which reasonably
- 11 indicate an intention to use such item or combination thereof to produce, sell, or
- 12 dispense any controlled dangerous substance in violation of the provisions of this
- 13 subheading;
- 14 (5) To keep or maintain any common nuisance which means any dwelling
- 15 house, apartment, building, vehicle, vessel, aircraft, or any place whatever which is
- 16 resorted to by drug abusers for purposes of illegally administering controlled
- dangerous substances or which is used for the illegal manufacture, distribution,
- 18 dispensing, storage or concealment of controlled dangerous substances or controlled
- 19 paraphernalia, as defined in § 287(d) of this subheading; or
- 20 To possess, pass, utter, make, or manufacture a false, forged, or
- 21 altered prescription or prescriptions for a controlled dangerous substance with the
- 22 intent to distribute the controlled dangerous substance. Information communicated to
- 23 an authorized prescriber in an effort to obtain a controlled dangerous substance in
- 24 violation of the provisions of this item shall not be deemed a privileged
- 25 communication.
- 26 (b) Any person who violates any of the provisions of subsection (a) of this 27 section with respect to:
- 28 A substance classified in Schedules I or II which is a narcotic drug is (1)
- 29 guilty of a felony and is subject to imprisonment for not more than 20 years, or a fine
- 30 of not more than \$25,000, or both.
- Phencyclidine, 1-(1-phenylcyclohexyl) piperidine,
- 32 1-phenylcyclohexylamine, or 1-piperidinocyclohexanecarbonitrile, classified in
- 33 Schedule II, or n-ethyl-1-phenylcyclohexylamine,
- 34 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine, or
- 35 lysergic acid diethylamide, classified in Schedule I, is guilty of a felony and is subject
- 36 to imprisonment for not more than 20 years, or a fine of not more than \$20,000, or
- 37 both.
- 38 Any other controlled dangerous substance classified in Schedule I, II,
- 39 III, IV, or V shall, upon conviction, be deemed guilty of a felony and sentenced to a
- 40 term of imprisonment for not more than 5 years or a fine of not more than \$15,000, or
- 41 both. Any person who has previously been convicted under this paragraph shall be
- 42 sentenced to imprisonment for not less than 2 years. The prison sentence of a person



| 1 | | | 4. Of any combination of these offenses. | |
|----------------|--|-------------------|---|--|
| | (2) Neither the sentence required under paragraph (1) of this subsection nor any part of it may be suspended, and the person may not be eligible for parole except in accordance with Article 31B, § 11 of the Code. | | | |
| | (3) A separate occasion shall be considered one in which the second or succeeding offense is committed after there has been a charging document filed for the preceding offense. | | | |
| 10 11 12 | (e) (1) A person who is convicted under subsection (b)(1) or subsection (b)(2) of this section or of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section shall be sentenced to imprisonment for the term allowed by law, but in any event, not less than 40 years AND SUBJECT TO A FINE NOT EXCEEDING \$1,000,000 to \$100,000 if the person previously has served 3 separate terms of confinement as a result of 3 separate convictions: | | | |
| 14 | | (i) | Under subsection (b)(1) or subsection (b)(2) of this section; | |
| 15 16 | this section; | (ii) | Of conspiracy to violate subsection (b)(1) or subsection (b)(2) of | |
| | (iii) Of an offense under the laws of another state, the District of Columbia, or the United States that would be a violation of subsection (b)(1) or subsection (b)(2) of this section if committed in this State; or | | | |
| 20 | | (iv) | Of any combination of these offenses. | |
| | (2) Neither the sentence required under paragraph (1) of this subsection nor any part of it may be suspended, and the person may not be eligible for parole except in accordance with Article 31B, § 11 of the Code. | | | |
| 26 | (f) (1) If a person violates subsection (a)(1) of this section and the violation involves any of the following controlled dangerous substances, in the amounts indicated, the person is subject to the penalties provided in paragraph (3) of this subsection upon conviction: | | | |
| 28 | | (i) | 50 pounds or more of marijuana; | |
| 29 30 | mixture containing a | (ii) detectabl | 448 grams or more of cocaine or 448 grams or more of any e amount of cocaine; | |
| 31 | | (iii) | 50 grams or more of cocaine base, commonly known as "crack"; | |
| 34 | (iv) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium or any mixture containing 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium; | | | |



- 1 (5) Nothing contained in this subsection prohibits the court from 2 imposing an enhanced penalty under § 293 of this article. This subsection may not be 3 construed to preclude or limit any prosecution for any other criminal offense.
- 4 It is not a defense to a prosecution under this section that the 5 controlled dangerous substance was brought into or transported in this State solely
- 6 for ultimate distribution or dispensing in another jurisdiction
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 October 1, 1999.