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By: **Carroll County Delegation**

Introduced and read first time: February 9, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Carroll County - Unlawful Distribution - Heroin**

3 FOR the purpose of making it unlawful for certain persons to willfully and knowingly  
4 distribute to certain persons a material, compound, mixture, preparation, or  
5 substance that contains any detectable amount of heroin, or enter into a  
6 common scheme or design to distribute to certain persons a material, compound,  
7 mixture, preparation, or substance that contains any detectable amount of  
8 heroin; establishing mandatory criminal penalties for a violation of this Act; and  
9 generally relating to the unlawful distribution of heroin.

10 BY adding to

11 Article 27 - Crimes and Punishments

12 Section 286(h)

13 Annotated Code of Maryland

14 (1996 Replacement Volume and 1999 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 27 - Crimes and Punishments**

18 286.

19 (H) (1) THIS SUBSECTION APPLIES ONLY IN CARROLL COUNTY.

20 (2) A PERSON AT LEAST 18 YEARS OF AGE MAY NOT WILLFULLY AND  
21 KNOWINGLY:

22 (I) DISTRIBUTE TO A PERSON UNDER THE AGE OF 18 YEARS A  
23 MATERIAL, COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE THAT CONTAINS  
24 ANY DETECTABLE AMOUNT OF HEROIN; OR

25 (II) ENTER INTO A COMMON SCHEME OR DESIGN TO DISTRIBUTE  
26 TO A PERSON UNDER THE AGE OF 18 YEARS A MATERIAL, COMPOUND, MIXTURE,  
27 PREPARATION, OR SUBSTANCE THAT CONTAINS ANY DETECTABLE AMOUNT OF  
28 HEROIN.

**HOUSE BILL 602**

1                   (3)     (I)     A PERSON CONVICTED OF VIOLATING PARAGRAPH (2) OF THIS  
2 SUBSECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

3                                   1.       FOR A FIRST OFFENSE, IMPRISONMENT FOR 5 YEARS;

4                                   2.       FOR A SUBSEQUENT OFFENSE, IMPRISONMENT FOR 20  
5 YEARS WITHOUT THE POSSIBILITY OF PAROLE.

6                                   (II)    IT IS MANDATORY ON THE COURT TO IMPOSE THE SENTENCE  
7 PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, NO PART OF WHICH MAY BE  
8 SUSPENDED.

9                                   (III)   A PERSON SENTENCED UNDER SUBPARAGRAPH (I)2 OF THIS  
10 PARAGRAPH IS NOT ELIGIBLE FOR PAROLE, EXCEPT AS PROVIDED IN § 4-305 OF THE  
11 CORRECTIONAL SERVICES ARTICLE.

12                                  (IV)    A PERSON CONVICTED UNDER THIS SECTION IS NOT ELIGIBLE  
13 FOR PROBATION PRIOR TO JUDGMENT, AS PROVIDED UNDER § 641 OF THIS ARTICLE.

14     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2000.