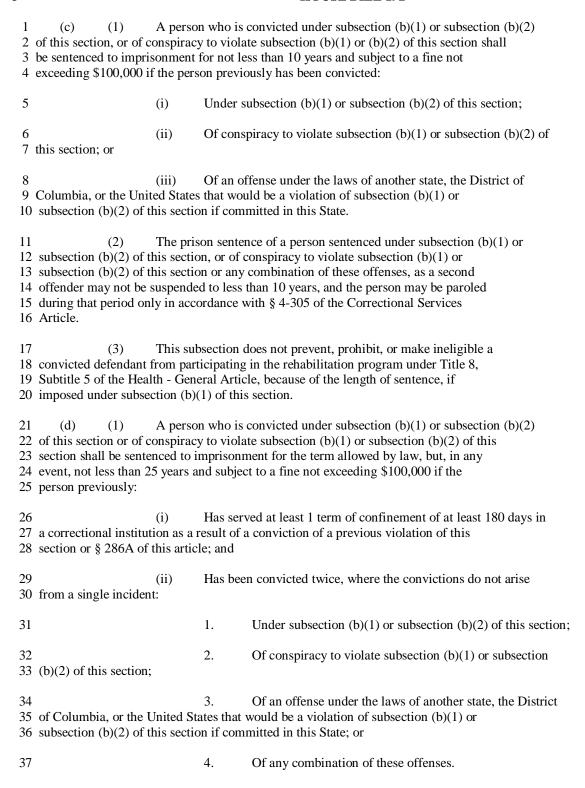
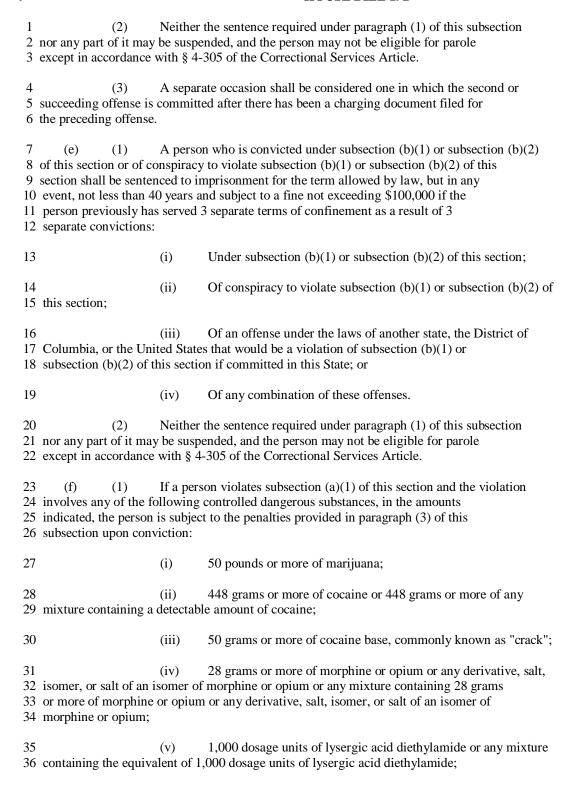
Unofficial Copy E1 2001 Regular Session 1lr0832

By: Delegates Petzold, Barkley, and Heller Introduced and read first time: January 22, 2001 Assigned to: Judiciary

	A BILL ENTITLED				
1	AN ACT concerning				
2 3	Crimes - Drugs - 3, 4-Methylenedioxymethamphetamine (MDMA) - Penalties				
4 5 6 7 8 9 10	quantity is subject to certain additional penalties for certain controlled dangerous substances violations; adding a certain controlled dangerous substance in a certain quantity to the list of drugs and their quantities that are actionable under certain drug kingpin laws; and generally relating to penalties				
11 12 13 14 15	<ul><li>Section 286</li><li>Annotated Code of Maryland</li></ul>				
16 17	6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
18	Article 27 - Crimes and Punishments				
19	286.				
20	(a) Except as authorized by this subheading, it is unlawful for any person:				
23	1 (1) To manufacture, distribute, or dispense, or to possess a controlled 2 dangerous substance in sufficient quantity to reasonably indicate under all 3 circumstances an intent to manufacture, distribute, or dispense, a controlled 4 dangerous substance;				
25 26	(2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance;				
27 28	(3) To manufacture, distribute, or possess any punch, die, plate, stone, or any other equipment which is designed to print, imprint, or reproduce the trademark,				

- 1 trade name, or other identifying mark, imprint, or device of another or any likeness of
- 2 any of the foregoing upon any drug or container or labeling thereof so as to render the
- 3 drug a counterfeit controlled dangerous substance;
- 4 (4) To manufacture, distribute, or possess any machine, equipment,
- 5 instrument, implement, device, or combination thereof which is adopted for the
- 6 production of controlled dangerous substances under circumstances which reasonably
- 7 indicate an intention to use such item or combination thereof to produce, sell, or
- 8 dispense any controlled dangerous substance in violation of the provisions of this
- 9 subheading;
- 10 (5) To keep or maintain any common nuisance which means any dwelling
- 11 house, apartment, building, vehicle, vessel, aircraft, or any place whatever which is
- 12 resorted to by drug abusers for purposes of illegally administering controlled
- 13 dangerous substances or which is used for the illegal manufacture, distribution,
- 14 dispensing, storage or concealment of controlled dangerous substances or controlled
- 15 paraphernalia, as defined in § 287(d) of this subheading; or
- 16 (6) To possess, pass, utter, make, or manufacture a false, forged, or
- 17 altered prescription or prescriptions for a controlled dangerous substance with the
- 18 intent to distribute the controlled dangerous substance. Information communicated to
- 19 an authorized prescriber in an effort to obtain a controlled dangerous substance in
- 20 violation of the provisions of this item shall not be deemed a privileged
- 21 communication.
- 22 (b) Any person who violates any of the provisions of subsection (a) of this
- 23 section with respect to:
- 24 (1) A substance classified in Schedules I or II which is a narcotic drug is
- 25 guilty of a felony and is subject to imprisonment for not more than 20 years, or a fine
- 26 of not more than \$25,000, or both.
- 27 (2) Phencyclidine, 1-(1-phenylcyclohexyl) piperidine,
- 28 1-phenylcyclohexylamine, or 1-piperidinocyclohexanecarbonitrile, classified in
- 29 Schedule II, or n-ethyl-1-phenylcyclohexylamine,
- 30 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine, or
- 31 lysergic acid diethylamide, classified in Schedule I, is guilty of a felony and is subject
- 32 to imprisonment for not more than 20 years, or a fine of not more than \$20,000, or
- 33 both.
- 34 (3) Any other controlled dangerous substance classified in Schedule I, II,
- 35 III, IV, or V shall, upon conviction, be deemed guilty of a felony and sentenced to a
- 36 term of imprisonment for not more than 5 years or a fine of not more than \$15,000, or
- 37 both. Any person who has previously been convicted under this paragraph shall be
- 38 sentenced to imprisonment for not less than 2 years. The prison sentence of a person
- 39 sentenced under this paragraph as a repeat offender may not be suspended to less
- 40 than 2 years, and the person may be paroled during that period only in accordance
- 41 with § 4-305 of the Correctional Services Article.





1 2	or more of any mixture		16 ounces or more of phencyclidine in liquid form or 448 grams ing phencyclidine; [or]
3 4			448 grams or more of methamphetamine or any mixture of methamphetamine; OR
5 6	(MDMA).	(VIII)	75 GRAMS OF 3, 4-METHYLENEDIOXYMETHAMPHETAMINE
9 10 11	substance under paragr dangerous substances in dispensing, or possessi aggregate act of manuf	aph (1) on the control of the contro	oses of determining the quantity of a controlled dangerous of this subsection, the quantity of controlled in individual acts of manufacturing, distribution, intent to distribute may be aggregated if each g, distribution, dispensing, or possessing with the thin a period of 90 days.
15 16	is guilty of a felony an sentenced as otherwise	d shall be provided less that	A person convicted of violating paragraph (1) of this subsection be subject to a fine not exceeding \$100,000 and shall be ed for in this section, except that it is mandatory upon in 5 years' imprisonment, and neither that term of it may be suspended.
18 19	with § 4-305 of the Co		The person may not be eligible for parole except in accordance al Services Article.
22	position of an organize	er, super eture, dis	obsection, "drug kingpin" means a person who occupies a visor, financier, or manager as a coconspirator in a tribute, dispense, bring into, or transport in the State es.
26	bring into, or transport	in the S under s	cingpin who conspires to manufacture, distribute, dispense, state controlled dangerous substances in one or more of absection (f) of this section is guilty of a felony and on
	without the possibility	of parol	Imprisonment for not less than 20 nor more than 40 years le, and it is mandatory on the court to impose no less to part of which may be suspended; and
31	(	(ii)	A fine of not more than \$1,000,000.
32 33	(3) conviction under this s		visions of § 641 of this article are not applicable to a on.
	` ,	does not	standing any other provision of this subheading, a conviction merge with the conviction for any offense which is the

- 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 (6) 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, 2001.