

**HOUSE BILL 41**  
**EMERGENCY BILL**

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2002 Regular Session  
2lr0618

(PRE-FILED)

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By: **Delegates Petzold, Hubers, Vallario, Getty, Gladden, Amedori, Cole, Hutchins, Doory, and Barkley**

Requested: October 3, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Crimes - Controlled Dangerous Substances - Penalties for 3,**  
3                                   **4-methylenedioxymethamphetamine (MDMA)**

4 FOR the purpose of clarifying that certain crimes relating to controlled dangerous  
5 substances apply to less than a certain amount of 3,  
6 4-methylenedioxymethamphetamine (MDMA); making this Act an emergency  
7 measure; providing for a delayed effective date for certain provisions of this Act;  
8 and generally relating to crimes involving controlled dangerous substances.

9 BY repealing and reenacting, with amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 286(b)  
12 Annotated Code of Maryland  
13 (1996 Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Criminal Law  
16 Section 5-607(a)  
17 Annotated Code of Maryland  
18 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
19 2002)

20 BY repealing and reenacting, without amendments,  
21 Article - Criminal Law  
22 Section 5-609(a)(9)  
23 Annotated Code of Maryland  
24 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
25 2002)

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

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**Article 27 - Crimes and Punishments**

2 286.

3 (b) Any person who violates any of the provisions of subsection (a) of this  
4 section with respect to:

5 (1) A substance classified in Schedules I or II which is a narcotic drug is  
6 guilty of a felony and is subject to imprisonment for not more than 20 years, or a fine  
7 of not more than \$25,000, or both.

8 (2) Phencyclidine, 1-(1-phenylcyclohexyl) piperidine,  
9 1-phenylcyclohexylamine, or 1-piperidinocyclohexanecarbonitrile, classified in  
10 Schedule II, or n-ethyl-1-phenylcyclohexylamine,  
11 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine,  
12 lysergic acid diethylamide, or 750 grams or more of 3,  
13 4-methylenedioxyamphetamine (MDMA), classified in Schedule I, is guilty of a  
14 felony and is subject to imprisonment for not more than 20 years, or a fine of not more  
15 than \$20,000, or both.

16 (3) Any other controlled dangerous substance classified in Schedule I, II,  
17 III, IV, or V, INCLUDING A CRIME INVOLVING LESS THAN 750 GRAMS OF 3,  
18 4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA), shall, upon conviction, be deemed  
19 guilty of a felony and sentenced to a term of imprisonment for not more than 5 years  
20 or a fine of not more than \$15,000, or both. Any person who has previously been  
21 convicted under this paragraph shall be sentenced to imprisonment for not less than  
22 2 years. The prison sentence of a person sentenced under this paragraph as a repeat  
23 offender may not be suspended to less than 2 years, and the person may be paroled  
24 during that period only in accordance with § 4-305 of the Correctional Services  
25 Article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
27 read as follows:

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**Article - Criminal Law**

29 5-607.

30 (a) Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who  
31 violates a provision of §§ 5-602 through 5-606 of this subtitle, INCLUDING A CRIME  
32 INVOLVING LESS THAN 750 GRAMS OF 3, 4-METHYLENEDIOXYMETHAMPHETAMINE  
33 (MDMA), is guilty of a felony and on conviction is subject to imprisonment not  
34 exceeding 5 years or a fine not exceeding \$15,000 or both.

35 5-609.

36 (a) Except as otherwise provided in this section, a person who violates a  
37 provision of §§ 5-602 through 5-606 of this subtitle with respect to any of the  
38 following controlled dangerous substances is guilty of a felony and on conviction is

1 subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or  
2 both:

3 (9) 750 grams or more of 3, 4-methylenedioxymethamphetamine  
4 (MDMA).

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
6 shall take effect October 1, 2002.

7 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
8 measure, is necessary for the immediate preservation of the public health or safety,  
9 has been passed by a yea and nay vote supported by three-fifths of all of the members  
10 elected to each of the two Houses of the General Assembly, and except as provided in  
11 Section 3 of this Act, shall take effect from the date it is enacted. Section 1 of this Act  
12 shall remain effective until the taking effect of Section 2 of this Act. On the taking  
13 effect of Section 2 of this Act, Section 1 of this Act shall be abrogated and of no further  
14 force and effect.