HOUSE BILL 419

2002 Regular Session

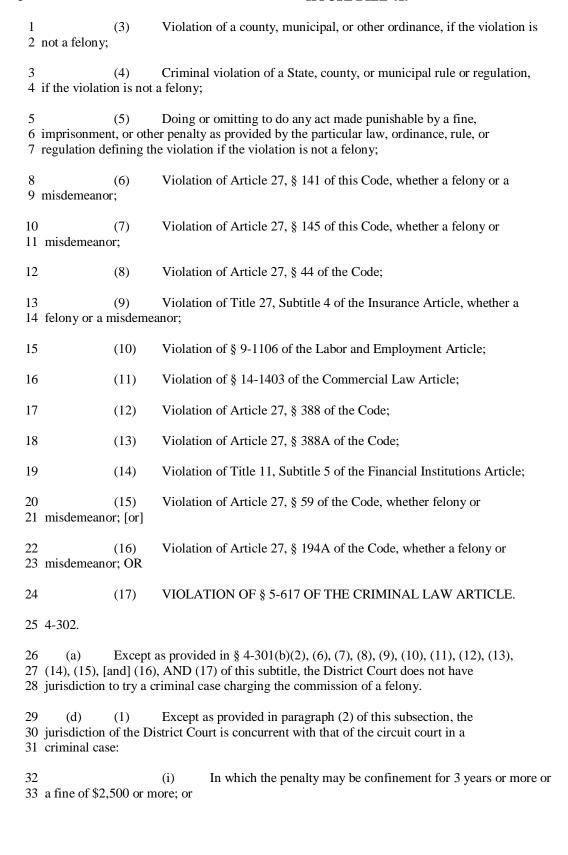
2lr0868 HB 176/01 - JUD By: Delegates Gaines and Vallario Introduced and read first time: January 29, 2002 Assigned to: Judiciary Committee Report: Favorable House action: Adopted Read second time: February 19, 2002 CHAPTER 1 AN ACT concerning 2 Criminal Procedure - Distribution of Noncontrolled Substance -3 **Jurisdiction of Trial Courts** 4 FOR the purpose of providing that the District Court has jurisdiction that is concurrent with a circuit court in criminal cases involving distribution of a 5 noncontrolled substance representing that the substance is a controlled 6 dangerous substance under certain circumstances; and generally relating to the 7 criminal jurisdiction of the District Court and a circuit court. 8 9 BY repealing and reenacting, without amendments, Article - Criminal Law 10 Section 5-617 11 12 Annotated Code of Maryland 13 (As enacted by Chapter (H.B. 11) of the Acts of the General Assembly of 14 2002) 15 BY repealing and reenacting, with amendments, Article - Courts and Judicial Proceedings 16 17 Section 4-301(b) and 4-302(a) and (d)(1) Annotated Code of Maryland 18 19 (1998 Replacement Volume and 2001 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 20

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

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1 Article - Criminal Law 2 5-617. 3 A person may not distribute, attempt to distribute, or possess with intent (a) 4 to distribute a noncontrolled substance: 5 (1) that the person represents as a controlled dangerous substance; 6 (2) that the person intends for use or distribution as a controlled 7 dangerous substance; or under circumstances where one reasonably should know that the 9 noncontrolled substance will be used or distributed for use as a controlled dangerous 10 substance. 11 (b) To determine if a person has violated this section, the court or other 12 authority shall include in its consideration: 13 whether the noncontrolled substance was packaged in a manner (1) 14 normally used to distribute a controlled dangerous substance illegally; 15 whether the distribution or attempted distribution included an (2) 16 exchange of or demand for money or other property as consideration, and whether the amount of consideration was substantially greater than the reasonable value of the 18 noncontrolled substance; and 19 whether the physical appearance of the noncontrolled substance is 20 substantially identical to that of a controlled dangerous substance. 21 A person who violates that section is guilty of a felony and on conviction is 22 subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both. 23 It is not a defense to a prosecution under this section that the defendant 24 believed that the noncontrolled substance was a controlled dangerous substance. 25 **Article - Courts and Judicial Proceedings** 26 4-301. 27 Except as provided in § 4-302 of this subtitle, the District Court also has 28 exclusive original jurisdiction in a criminal case in which a person at least 18 years 29 old or a corporation is charged with: 30 (1) Commission of a common-law or statutory misdemeanor regardless 31 of the amount of money or value of the property involved; 32 (2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a 33 felony or a misdemeanor;

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- 1 (ii) Which is a felony, as provided in \S 4-301(b)(2), (6), (7), (8), (9), 2 (10), (11), (12), (13), (14), (15), [and] (16), AND (17) of this subtitle.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 4 October 1, 2002.