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By: **Delegates Marriott, Cole, C. Davis, D. Davis, Dobson, Gladden,  
Harrison, Howard, A. Jones, V. Jones, Kirk, Montague, Nathan-Pulliam,  
Oaks, Paige, Patterson, Phillips, Proctor, and Turner**

Introduced and read first time: February 4, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crack Cocaine Uniform Sentencing Act**

3 FOR the purpose of altering the amount of crack cocaine required to be involved in a  
4 certain crime that subjects the violator to a certain fine and a certain mandatory  
5 minimum term of imprisonment with, except under a certain circumstance, no  
6 opportunity for parole; and generally relating to penalties for crimes involving  
7 controlled dangerous substances.

8 BY repealing and reenacting, without amendments,  
9 Article - Criminal Law  
10 Section 5-602  
11 Annotated Code of Maryland  
12 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
13 2002)

14 BY repealing and reenacting, with amendments,  
15 Article - Criminal Law  
16 Section 5-612  
17 Annotated Code of Maryland  
18 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
19 2002)

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

22 **Article - Criminal Law**

23 5-602.

24 Except as otherwise provided in this title, a person may not:

25 (1) manufacture, distribute, or dispense a controlled dangerous  
26 substance; or

1 (2) possess a controlled dangerous substance in sufficient quantity  
2 reasonably to indicate under all circumstances an intent to manufacture, distribute,  
3 or dispense a controlled dangerous substance.

4 5-612.

5 (a) A person who violates § 5-602 of this subtitle with respect to any of the  
6 following controlled dangerous substances in the amounts indicated is subject on  
7 conviction to a fine not exceeding \$100,000 and the enhanced penalty provided in  
8 subsection (c) of this section:

9 (1) 50 pounds or more of marijuana;

10 (2) 448 grams or more of cocaine;

11 (3) 448 grams or more of:

12 (I) any mixture containing a detectable amount of cocaine; OR

13 (II) COCAINE BASE, COMMONLY KNOWN AS "CRACK";

14 (4) [50 grams or more of cocaine base, commonly known as "crack";

15 (5)] 28 grams or more of morphine or opium or any derivative, salt,  
16 isomer, or salt of an isomer of morphine or opium;

17 [(6)] (5) any mixture containing 28 grams or more of morphine or opium  
18 or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

19 [(7)] (6) 1,000 dosage units or more of lysergic acid diethylamide;

20 [(8)] (7) any mixture containing the equivalent of 1,000 dosage units of  
21 lysergic acid diethylamide;

22 [(9)] (8) 16 ounces or more of phencyclidine in liquid form;

23 [(10)] (9) 448 grams or more of any mixture containing phencyclidine;

24 [(11)] (10) 448 grams or more of methamphetamine; or

25 [(12)] (11) any mixture containing 448 grams or more of  
26 methamphetamine.

27 (b) For the purpose of determining the quantity of a controlled dangerous  
28 substance involved in individual acts of manufacturing, distributing, dispensing, or  
29 possessing with intent to manufacture, distribute, or dispense under subsection (a) of  
30 this section, the acts may be aggregated if each of the acts occurred within a 90-day  
31 period.

1 (c) (1) A person who is convicted under § 5-602 of this subtitle with respect  
2 to a controlled dangerous substance in an amount indicated in subsection (a) of this  
3 section shall be sentenced to imprisonment for not less than 5 years.

4 (2) The court may not suspend any part of the mandatory minimum  
5 sentence of 5 years.

6 (3) Except as provided in § 4-305 of the Correctional Services Article, the  
7 person is not eligible for parole during the mandatory minimum sentence.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2002.