
By: **Delegates Ports and Redmer**
Introduced and read first time: February 12, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances - Use of Minors - Mandatory Minimum**
3 **Sentence**

4 FOR the purpose of establishing a mandatory minimum sentence for a person
5 convicted of using a minor to commit certain controlled dangerous substance
6 crimes or of bringing a minor into the State in order to use the minor to commit
7 certain controlled dangerous substance crimes; altering a certain penalty; and
8 generally relating to penalties for using a minor to commit certain controlled
9 dangerous substance crimes.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Law
12 Section 5-628
13 Annotated Code of Maryland
14 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
15 2002)

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

18 **Article - Criminal Law**

19 5-628.

20 (a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a
21 person may not hire, solicit, engage, or use a minor to manufacture, deliver, or
22 distribute on behalf of that person a controlled dangerous substance in sufficient
23 quantity to reasonably indicate under all the circumstances an intent to distribute
24 the controlled dangerous substance.

25 (ii) This paragraph does not prohibit a person from hiring,
26 soliciting, engaging, or using a minor to manufacture, deliver, or distribute a
27 controlled dangerous substance if the manufacturing, delivering, or distributing has a
28 lawful purpose.

1 (2) A person may not transport, carry, or otherwise bring a minor into
2 the State to use the minor to violate this section or § 5-602, § 5-603, § 5-604, § 5-605,
3 § 5-606, § 5-612, § 5-613, § 5-617, or § 5-627 of this subtitle.

4 (b) (1) A person who violates this section is guilty of a felony and on
5 conviction [is subject to imprisonment not exceeding 20 years or a fine not exceeding
6 \$20,000 or both] SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10
7 YEARS AND NOT MORE THAN 20 YEARS.

8 (2) NOTWITHSTANDING § 14-102 OF THIS ARTICLE, THE COURT MAY NOT
9 IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 10 YEARS.

10 (3) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
11 MINIMUM SENTENCE OF 10 YEARS.

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