

(PRE-FILED)

By: **Senators Bromwell and DeGrange**
Requested: July 2, 2001
Introduced and read first time: January 9, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 13, 2002

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Forgery of Controlled Dangerous Substance Prescriptions**
3 **or Orders - Penalty**

4 FOR the purpose of making it a felony to obtain or attempt to obtain a controlled
5 dangerous substance or procure or attempt to procure the administration of a
6 controlled dangerous substance by counterfeiting or altering a prescription or a
7 written order; altering certain penalties; establishing that the District Court has
8 jurisdiction that is concurrent with a circuit court in cases involving obtaining or
9 procuring a controlled dangerous substance by counterfeiting or altering a
10 prescription or written order; and generally relating to obtaining or procuring a
11 controlled dangerous substance by counterfeiting or altering a prescription or
12 written order.

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 4-301(b)(15) and (16) and 4-302(a) and (d)(1)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2001 Supplement)

18 BY adding to
19 Article - Courts and Judicial Proceedings
20 Section 4-301(b)(17)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2001 Supplement)

23 BY repealing and reenacting, with amendments,

1 Article - Criminal Law
 2 Section 5-601
 3 Annotated Code of Maryland
 4 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
 5 2002)

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

8 **Article - Courts and Judicial Proceedings**

9 4-301.

10 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
 11 exclusive original jurisdiction in a criminal case in which a person at least 18 years
 12 old or a corporation is charged with:

13 (15) Violation of Article 27, § 59 of the Code, whether felony or
 14 misdemeanor; [or]

15 (16) Violation of Article 27, § 194A of the Code, whether a felony or
 16 misdemeanor; OR

17 (17) VIOLATION OF § 5-601(A)(2)(II) OF THE CRIMINAL LAW ARTICLE.

18 4-302.

19 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
 20 (14), (15), [and (16)] (16), AND (17) of this subtitle, the District Court does not have
 21 jurisdiction to try a criminal case charging the commission of a felony.

22 (d) (1) Except as provided in paragraph (2) of this subsection, the
 23 jurisdiction of the District Court is concurrent with that of the circuit court in a
 24 criminal case:

25 (i) In which the penalty may be confinement for 3 years or more or
 26 a fine of \$2,500 or more; or

27 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
 28 (10), (11), (12), (13), (14), (15), [and (16)] (16), AND (17) of this subtitle.

29 **Article - Criminal Law**

30 5-601.

31 (a) Except as otherwise provided in this title, a person may not:

32 (1) possess or administer to another a controlled dangerous substance,
 33 unless obtained directly or by prescription or order from an authorized provider
 34 acting in the course of professional practice; or

1 (2) obtain or attempt to obtain a controlled dangerous substance, or
2 procure or attempt to procure the administration of a controlled dangerous substance
3 by:

4 (i) fraud, deceit, misrepresentation, or subterfuge;

5 (ii) the counterfeiting or alteration of a prescription or a written
6 order;

7 (iii) the concealment of a material fact;

8 (iv) the use of a false name or address;

9 (v) falsely assuming the title of or representing to be a
10 manufacturer, distributor, or authorized provider; or

11 (vi) making, issuing, or presenting a false or counterfeit
12 prescription or written order.

13 (b) Information that is communicated to a physician in an effort to obtain a
14 controlled dangerous substance in violation of this section is not a privileged
15 communication.

16 (c) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this
17 subsection, a person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding
19 \$25,000 or both.

20 (2) A PERSON WHO VIOLATES SUBSECTION (A)(2)(II) OF THIS SECTION IS
21 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
22 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 FOR EACH FORGERY OR
23 BOTH.

24 (3) A person whose violation of [this section] A PROVISION SPECIFIED IN
25 SUBSECTION (A)(1) AND (2)(I) AND (III) THROUGH (VI) OF THIS SUBSECTION THAT
26 involves the use or possession of marijuana is subject to imprisonment not exceeding
27 1 year or a fine not exceeding \$1,000 or both.

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