

SENATE BILL 49

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SB 45/02 - JPR

2003 Regular Session
3lr0469
CF 3lr1108

By: **Senators DeGrange, Astle, Colburn, Dyson, Hollinger, Hooper, Jacobs,
Jimeno, Kelley, Lawlah, Munson, Stone, and Teitelbaum**

Introduced and read first time: January 17, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Forgery of Controlled Dangerous Substance Prescriptions**
3 **or Written 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)(17) and (18) and 4-302(a) and (d)(1)
16 Annotated Code of Maryland
17 (2002 Replacement Volume)

18 BY adding to
19 Article - Courts and Judicial Proceedings
20 Section 4-301(b)(19)
21 Annotated Code of Maryland
22 (2002 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article - Criminal Law
25 Section 5-601
26 Annotated Code of Maryland
27 (2002 Volume)

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

3 **Article - Courts and Judicial Proceedings**

4 4-301.

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

8 (17) Violation of § 20-102 of the Transportation Article, whether a felony
9 or misdemeanor; [or]

10 (18) Violation of § 8-801 of the Criminal Law Article; OR

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

12 4-302.

13 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
14 (14), (15), (16), (17), [and] (18), AND (19) of this subtitle, the District Court does not
15 have jurisdiction to try a criminal case charging the commission of a felony.

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

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

21 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
22 (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.

23 **Article - Criminal Law**

24 5-601.

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

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

29 (2) obtain or attempt to obtain a controlled dangerous substance, or
30 procure or attempt to procure the administration of a controlled dangerous substance
31 by:

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

- 1 (ii) the counterfeiting or alteration of a prescription or a written
2 order;
- 3 (iii) the concealment of a material fact;
- 4 (iv) the use of a false name or address;
- 5 (v) falsely assuming the title of or representing to be a
6 manufacturer, distributor, or authorized provider; or
- 7 (vi) making, issuing, or presenting a false or counterfeit
8 prescription or written order.

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

12 (c) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of
13 this subsection, a person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding
15 \$25,000 or both.

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2003.