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By: **Delegates Petzold, Anderson, Dumais, and Menes**

Introduced and read first time: February 8, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances Violations - MDMA - Penalties**

3 FOR the purpose of increasing the maximum penalties for a person who violates  
4 certain controlled dangerous substances provisions with respect to a certain  
5 amount of 3, 4-methylenedioxymethamphetamine (MDMA); and generally  
6 relating to controlled dangerous substances.

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Law  
9 Section 5-609(a) and 5-612(a)  
10 Annotated Code of Maryland  
11 (2002 Volume and 2004 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article - Criminal Law  
14 Section 5-612(c)  
15 Annotated Code of Maryland  
16 (2002 Volume and 2004 Supplement)

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

19 **Article - Criminal Law**

20 5-609.

21 (a) Except as otherwise provided in this section, a person who violates a  
22 provision of §§ 5-602 through 5-606 of this subtitle with respect to any of the  
23 following controlled dangerous substances is guilty of a felony and on conviction is  
24 subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or  
25 both:

26 (1) phencyclidine;

27 (2) 1-(1-phenylcyclohexyl)piperidine;

- 1 (3) 1-phenylcyclohexylamine;
- 2 (4) 1-piperidinocyclohexanecarbonitrile;
- 3 (5) N-ethyl-1-phenylcyclohexylamine;
- 4 (6) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 5 (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 6 (8) lysergic acid diethylamide; or
- 7 (9) [750 grams or more of] 3, 4-methylenedioxymethamphetamine
- 8 (MDMA).

9 5-612.

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

- 14 (1) 50 pounds or more of marijuana;
- 15 (2) 448 grams or more of cocaine;
- 16 (3) 448 grams or more of any mixture containing a detectable amount of  
17 cocaine;
- 18 (4) 50 grams or more of cocaine base, commonly known as "crack";
- 19 (5) 28 grams or more of morphine or opium or any derivative, salt,  
20 isomer, or salt of an isomer of morphine or opium;
- 21 (6) any mixture containing 28 grams or more of morphine or opium or  
22 any derivative, salt, isomer, or salt of an isomer of morphine or opium;
- 23 (7) 1,000 dosage units or more of lysergic acid diethylamide;
- 24 (8) any mixture containing the equivalent of 1,000 dosage units of  
25 lysergic acid diethylamide;
- 26 (9) 16 ounces or more of phencyclidine in liquid form;
- 27 (10) 448 grams or more of any mixture containing phencyclidine;
- 28 (11) 448 grams or more of methamphetamine; [or]
- 29 (12) any mixture containing 448 grams or more of methamphetamine; OR

1 (13) 200 GRAMS OR MORE OF 3, 4-METHYLENEDIOXYMETHAMPHETAMINE  
2 (MDMA).

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

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2005.