

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 639

(Senator Jimeno)

Judicial Proceedings

**Crimes - Controlled Dangerous Substances - 3,
4-Methylenedioxymethamphetamine (MDMA)**

This bill provides that current law penalties applicable to the manufacture, distribution, dispensation, or possession of Schedule I or II hallucinogenic substances apply to 3, 4-methylenedioxymethamphetamine (MDMA), regardless of the amount of that substance involved. In addition, under provisions relating to volume dealers, the bill adds the manufacture, distribution, dispensation, or possession of 750 or more grams of MDMA to the list of quantified substances that subject a violator to a maximum fine of \$100,000 and a mandatory minimum, nonsuspendable, nonparolable sentence of five years.

Fiscal Summary

State Effect: The bill's changes to the specified felony penalty provisions relating to MDMA or volume dealers should not affect significantly governmental operations or finances relating to sentencing or incarcerations.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Current Law: Chapter 449 of 2001 added the manufacture, distribution, dispensation, or possession of 750 grams or more of MDMA to the list of offenses for which violators are subject to maximum felony penalties of a fine of \$20,000 and/or imprisonment for 20 years (certain mandatory minimum sentences for subsequent offenders also apply). Prior

to this enactment, offenses involving any amount of MDMA subjected a person to a maximum penalty of five years/\$15,000.

A person convicted of the manufacture, distribution, or possession of the following controlled dangerous substances are also subject to maximum penalties of a fine of \$20,000 and/or imprisonment for 20 years: phencyclidine, 1-(1-phenylcyclohexyl) piperidine, 1-phenylcyclohexylamine, or 1-piperidinocyclohexanecarbonitrile, classified in Schedule II, or n-ethyl-1-phenylcyclohexylamine, 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine, or lysergic acid diethylamide, classified in Schedule I.

A volume dealer (as defined by the quantity of certain substances, including 50 pounds of marijuana, 448 grams of cocaine, and 50 grams of “crack”), involved in manufacturing, distributing, possessing with intent to distribute, or dispensing the controlled dangerous substance is subject to a maximum fine of \$100,000 and a mandatory minimum nonsuspendable, nonparolable sentence of five years.

Background: MDMA is a Schedule I controlled dangerous substance. Controlled dangerous substances are placed in one of five categories, known as schedules. Schedule I drugs have: (1) a high potential for abuse; (2) no accepted medical use in the United States; and (3) a lack of accepted safety for use under medical supervision. MDMA is categorized as a hallucinogenic substance.

MDMA, often called “Ecstasy,” “ADAM,” or “X-TC,” on the street, is a synthetic, mind-altering drug with hallucinogenic and amphetamine-like properties.

According to the National Institute of Drug Abuse, MDMA is a “club drug” and works as a stimulant similar to methamphetamine. It is taken orally in tablet form, and causes dehydration as well as increases in heart rate and blood pressure. Ingestion may lead to an elevation of body temperature that causes kidney and cardiovascular failure. When combined with alcohol, MDMA use has been reported as having had fatal results. It is also believed that chronic abuse may produce long-lasting neurotoxic effects on the brain.

This bill stems from a concern that Chapter 449 of 2001 may have inadvertently eliminated the felony penalties for violations involving less than 750 grams of MDMA. If this were the case, misdemeanor penalties of a maximum four years/\$25,000 would apply to these offenses.

Additional Information

Prior Introductions: In 2003, HB 277 would have provided that current law penalties applicable to the manufacture, distribution, dispensation, or possession of Schedule I or II hallucinogenic substances apply to MDMA, regardless of amount of that substance involved. That bill had a hearing before the Judiciary Committee and had no further action taken on it. A similar bill, HB 41 of 2002, was withdrawn.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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