
By: **Senators Jacobs, Hogan, Hooper, Lawlah, Ruben, and Teitelbaum**

Introduced and read first time: January 30, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Drug-Related Child Endangerment - Penalties**

3 FOR the purpose of making it a felony to manufacture, refine, or store certain
4 chemicals or toxic materials with the intent of manufacturing, distributing,
5 dispensing, or possessing with intent to distribute certain controlled dangerous
6 substances in a building in which a child resides or within a certain distance of
7 the building; making it a felony to manufacture, distribute, dispense, or possess
8 with the intent to distribute certain controlled dangerous substances in a
9 building in which a child resides or within a certain distance of the building;
10 establishing that a sentence imposed for committing certain offenses be served
11 consecutively to other sentences and that a certain minimum sentence cannot be
12 suspended; providing that certain sentences do not merge; and generally
13 relating to drug-related child endangerment.

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Law
16 Section 5-602
17 Annotated Code of Maryland
18 (2002 Volume and 2005 Supplement)

19 BY adding to
20 Article - Criminal Law
21 Section 5-627.1
22 Annotated Code of Maryland
23 (2002 Volume and 2005 Supplement)

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

1 **Article - Criminal Law**

2 5-602.

3 Except as otherwise provided in this title, a person may not:

4 (1) manufacture, distribute, or dispense a controlled dangerous
5 substance; or6 (2) possess a controlled dangerous substance in sufficient quantity
7 reasonably to indicate under all circumstances an intent to manufacture, distribute,
8 or dispense a controlled dangerous substance.

9 5-627.1.

10 (A) (1) A PERSON MAY NOT MANUFACTURE, REFINE, OR STORE ANY
11 CHEMICAL, TOXIC MATERIAL, OR OTHER PRECURSOR SUBSTANCE WITH THE INTENT
12 OF USING THE CHEMICAL, TOXIC MATERIAL, OR PRECURSOR SUBSTANCE IN
13 MANUFACTURING, DISTRIBUTING, DISPENSING, OR POSSESSING WITH THE INTENT
14 TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-602
15 OF THIS SUBTITLE:

16 (I) IN A BUILDING IN WHICH A CHILD RESIDES; OR

17 (II) ON PROPERTY THAT IS WITHIN 500 FEET OF THE BUILDING IN
18 WHICH A CHILD RESIDES.19 (2) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR
20 POSSESS WITH THE INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS
21 SUBSTANCE IN VIOLATION OF § 5-602 OF THIS SUBTITLE:

22 (I) IN A BUILDING IN WHICH A CHILD RESIDES; OR

23 (II) ON PROPERTY THAT IS WITHIN 500 FEET OF THE BUILDING IN
24 WHICH A CHILD RESIDES.25 (B) SUBSECTION (A) OF THIS SECTION APPLIES WHETHER OR NOT A CHILD
26 WAS IN THE BUILDING OR ON THE PROPERTY AT THE TIME OF THE CRIME.27 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY
28 OF DRUG-RELATED CHILD ENDANGERMENT AND ON CONVICTION IS SUBJECT TO:29 (I) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 15
30 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH; OR31 (II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT LESS
32 THAN 5 YEARS AND NOT EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING \$40,000 OR
33 BOTH.34 (2) (I) THE COURT MAY NOT SUSPEND THE 5-YEAR MINIMUM
35 SENTENCE REQUIRED BY PARAGRAPH (1)(II) OF THIS SUBSECTION.

1 (II) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
2 CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER PARAGRAPH
3 (1)(II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING THE PERIOD OF
4 THE 5-YEAR MINIMUM SENTENCE.

5 (3) A SENTENCE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION
6 SHALL BE CONSECUTIVE TO ANY OTHER SENTENCE IMPOSED.

7 (D) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS
8 SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, § 5-603, § 5-604, §
9 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, § 5-627, OR § 5-628 OF THIS
10 SUBTITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2006.