
By: **Senator Hughes**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substance Crimes - Minimum Penalties - Repeal**

3 FOR the purpose of repealing certain minimum penalties for certain repeat offenders
4 of crimes involving certain controlled dangerous substances; and generally
5 relating to penalties for controlled dangerous substance crimes.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 5-609
9 Annotated Code of Maryland
10 (2002 Volume and 2005 Supplement)

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

13 **Article - Criminal Law**

14 5-609.

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

- 20 (1) phencyclidine;
- 21 (2) 1-(1-phenylcyclohexyl) piperidine;
- 22 (3) 1-phenylcyclohexylamine;
- 23 (4) 1-piperidinocyclohexanecarbonitrile;
- 24 (5) N-ethyl-1-phenylcyclohexylamine;
- 25 (6) 1-(1-phenylcyclohexyl)-pyrrolidine;

- 1 (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 2 (8) lysergic acid diethylamide; or
- 3 (9) 750 grams or more of 3, 4-methylenedioxymethamphetamine
- 4 (MDMA).

5 (b) (1) A person who is convicted under subsection (a) of this section or of

6 conspiracy to commit a crime included in subsection (a) of this section shall be

7 sentenced to imprisonment for not less than 10 years and is subject to a fine not

8 exceeding \$100,000 if the person previously has been convicted once:

9 (i) under subsection (a) of this section or § 5-608 of this subtitle;

10 (ii) of conspiracy to commit a crime included in subsection (a) of this

11 section or § 5-608 of this subtitle;

12 (iii) of a crime under the laws of another state or the United States

13 that would be a crime included in subsection (a) of this section or § 5-608 of this

14 subtitle if committed in this State; or

15 (iv) of any combination of these crimes.

16 (2) [The court may not suspend the mandatory minimum sentence to

17 less than 10 years.

18 (3) Except as provided in § 4-305 of the Correctional Services Article, the

19 person is not eligible for parole during the mandatory minimum sentence.

20 (4)] A person convicted under subsection (a) of this section is not

21 prohibited from participating in a drug treatment program under § 8-507 of the

22 Health - General Article because of the length of the sentence.

23 (c) (1) A person who is convicted under subsection (a) of this section or of

24 conspiracy to commit a crime included in subsection (a) of this section shall be

25 sentenced to imprisonment for not less than 25 years and is subject to a fine not

26 exceeding \$100,000 if the person previously:

27 (i) has served at least one term of confinement of at least 180 days

28 in a correctional institution as a result of a conviction under subsection (a) of this

29 section, § 5-608 of this subtitle, or § 5-614 of this subtitle; and

30 (ii) if the convictions do not arise from a single incident, has been

31 convicted twice:

32 1. under subsection (a) of this section or § 5-608 of this

33 subtitle;

34 2. of conspiracy to commit a crime included in subsection (a)

35 of this section or § 5-608 of this subtitle;

1 3. of a crime under the laws of another state or the United
2 States that would be a crime included in subsection (a) of this section or § 5-608 of
3 this subtitle if committed in this State; or

4 4. of any combination of these crimes.

5 (2) [The court may not suspend any part of the mandatory minimum
6 sentence of 25 years.

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

9 (4)] A separate occasion is one in which the second or succeeding crime is
10 committed after there has been a charging document filed for the preceding crime.

11 (d) [(1)] A person who is convicted under subsection (a) of this section or of
12 conspiracy to commit a crime included in subsection (a) of this section shall be
13 sentenced to imprisonment for not less than 40 years and is subject to a fine not
14 exceeding \$100,000 if the person previously has served three separate terms of
15 confinement as a result of three separate convictions:

16 [(i)] (1) under subsection (a) of this section or § 5-608 of this
17 subtitle;

18 [(ii)] (2) of conspiracy to commit a crime included in subsection (a)
19 of this section or § 5-608 of this subtitle;

20 [(iii)] (3) of a crime under the laws of another state or the United
21 States that would be a crime included in subsection (a) of this section or § 5-608 of
22 this subtitle if committed in this State; or

23 [(iv)] (4) of any combination of these crimes.

24 [(2) The court may not suspend any part of the mandatory minimum
25 sentence of 40 years.

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

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