

HOUSE BILL 1131

E1

8lr1939

By: **Delegate Rosenberg**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Anabolic Steroids – Distribution to a Minor or Member of a High**
3 **School or College Athletic Team**

4 FOR the purpose of prohibiting a person from unlawfully distributing, dispensing, or
5 possessing with intent to distribute an anabolic steroid to a minor or an
6 individual who the person knows or has reason to know is a member of a high
7 school or college athletic team; establishing penalties for a violation of this Act;
8 establishing a mandatory minimum penalty for a subsequent violation of this
9 Act; prohibiting a court from suspending the minimum sentence; establishing
10 that a person sentenced under this Act is not eligible for parole during the
11 minimum sentence; establishing that a sentence imposed under this Act is
12 consecutive to any other sentence imposed; establishing that, notwithstanding
13 any other law, a conviction under this Act may not merge with a conviction
14 under certain other laws; and generally relating to anabolic steroids.

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Law
17 Section 5–404(b)(1)
18 Annotated Code of Maryland
19 (2002 Volume and 2007 Supplement)

20 BY adding to
21 Article – Criminal Law
22 Section 5–627.1
23 Annotated Code of Maryland
24 (2002 Volume and 2007 Supplement)

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

27 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-404.

2 (b) (1) Substances listed in Schedule III include:

3 (i) nalorphine; and

4 (ii) except as provided in paragraph (2) of this subsection, an
5 anabolic steroid consisting of a material, compound, or preparation that includes:

- 6 1. boldenone;
- 7 2. chlorotestosterone;
- 8 3. clostebol;
- 9 4. dehydrochlormethyltestosterone;
- 10 5. dihydrotestosterone;
- 11 6. drostanolone;
- 12 7. ethylestroenol;
- 13 8. fluoxymesterone;
- 14 9. formobulone;
- 15 10. mesterolone;
- 16 11. methandienone;
- 17 12. methandranone;
- 18 13. methandriol;
- 19 14. methandrostenolone;
- 20 15. methenolone;
- 21 16. methyltestosterone;
- 22 17. mibolerone;
- 23 18. nandrolone;
- 24 19. norethandrolone;

- 1 20. oxandrolone;
- 2 21. oxymesterone;
- 3 22. oxymetholone;
- 4 23. stanolone;
- 5 24. stanozolol;
- 6 25. testolactone;
- 7 26. testosterone;
- 8 27. trenbolone; and
- 9 28. any isomer, ester, salt, or derivative of a substance
- 10 listed in this paragraph.

11 **5-627.1.**

12 (A) A PERSON MAY NOT DISTRIBUTE, DISPENSE, OR POSSESS WITH
13 INTENT TO DISTRIBUTE AN ANABOLIC STEROID AS DESCRIBED IN § 5-404(B) OF
14 THIS TITLE IN VIOLATION OF § 5-602 OF THIS SUBTITLE TO A MINOR OR AN
15 INDIVIDUAL WHO THE PERSON KNOWS OR HAS REASON TO KNOW IS A MEMBER
16 OF A HIGH SCHOOL OR COLLEGE ATHLETIC TEAM.

17 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
18 FELONY AND ON CONVICTION IS SUBJECT TO:

19 (I) FOR A FIRST VIOLATION, IMPRISONMENT NOT
20 EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH; OR

21 (II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT
22 NOT LESS THAN 5 YEARS AND NOT EXCEEDING 40 YEARS OR A FINE NOT
23 EXCEEDING \$40,000 OR BOTH.

24 (2) (1) THE COURT MAY NOT SUSPEND THE 5-YEAR MINIMUM
25 SENTENCE REQUIRED BY PARAGRAPH (1)(II) OF THIS SUBSECTION.

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

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

3 **(C) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS**
4 **SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, § 5-603, §**
5 **5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-628**
6 **OF THIS SUBTITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.