

# SENATE BILL 249

E1, E2

8lr1559  
CF 8lr1560

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By: **Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)**

Introduced and read first time: January 24, 2008

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Narcotic Drug – Enhanced Penalties**

3 FOR the purpose of adding conspiracy to distribute certain narcotic drugs and the  
4 commission of a certain crime in another state as predicates for a certain  
5 enhanced penalty for certain offenses relating to narcotic drugs; and generally  
6 relating to narcotic drugs and enhanced penalties.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 5–608  
10 Annotated Code of Maryland  
11 (2002 Volume and 2007 Supplement)

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

14 **Article – Criminal Law**

15 5–608.

16 (a) Except as otherwise provided in this section, a person who violates a  
17 provision of §§ 5–602 through 5–606 of this subtitle with respect to a Schedule I or  
18 Schedule II narcotic drug is guilty of a felony and on conviction is subject to  
19 imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

20 (b) (1) A person who is convicted under subsection (a) of this section or of  
21 conspiracy to commit a crime included in subsection (a) of this section shall be  
22 sentenced to imprisonment for not less than 10 years and is subject to a fine not  
23 exceeding \$100,000 if the person previously has been convicted once:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) under subsection (a) of this section or § 5-609 of this  
2 subtitle;

3 (ii) of conspiracy to commit a crime included in subsection (a) of  
4 this section or § 5-609 of this subtitle; or

5 (iii) of a crime under the laws of another state or the United  
6 States that would be a crime included in subsection (a) of this section or § 5-609 of this  
7 subtitle if committed in this State.

8 (2) The court may not suspend the mandatory minimum sentence to  
9 less than 10 years.

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

12 (4) A person convicted under subsection (a) of this section is not  
13 prohibited from participating in a drug treatment program under § 8-507 of the  
14 Health – General Article because of the length of the sentence.

15 (c) (1) A person who is convicted under subsection (a) of this section or of  
16 conspiracy to commit a crime included in subsection (a) of this section shall be  
17 sentenced to imprisonment for not less than 25 years and is subject to a fine not  
18 exceeding \$100,000 if the person previously:

19 (i) has served at least one term of confinement of at least 180  
20 days in a correctional institution as a result of a conviction [under subsection (a) of  
21 this section, § 5-609 of this subtitle, or § 5-614 of this subtitle; and]:

22 **1. UNDER SUBSECTION (A) OF THIS SECTION OR §**  
23 **5-609 OR § 5-614 OF THIS SUBTITLE;**

24 **2. OF CONSPIRACY TO COMMIT A CRIME INCLUDED**  
25 **IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE; OR**

26 **3. OF A CRIME UNDER THE LAWS OF ANOTHER STATE**  
27 **OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION**  
28 **(A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE IF COMMITTED IN THIS**  
29 **STATE; AND**

30 (ii) has been convicted twice, if the convictions arise from  
31 separate occasions:

32 1. under subsection (a) of this section or § 5-609 of this  
33 subtitle;

