

# HOUSE BILL 626

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9lr1644

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By: **Delegate Anderson**

Introduced and read first time: February 6, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Controlled Dangerous Substance - Manufacture**

3 FOR the purpose of removing the prohibition on the manufacture of a controlled  
4 dangerous substance from the portion of the law that prohibits distributing and  
5 dispensing a controlled dangerous substance and placing it with the portion of  
6 the law that prohibits the manufacture, distribution, or possession of certain  
7 equipment used to produce controlled dangerous substances; establishing that a  
8 violation of the prohibition against manufacturing a controlled dangerous  
9 substance or manufacturing, distributing, or possessing a machine, equipment,  
10 instrument, implement, device, or a combination of them is an “underlying  
11 crime” for purposes of defining a criminal gang; and generally relating to  
12 controlled dangerous substances.

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Law  
15 Section 5–602, 5–603, and 9–801  
16 Annotated Code of Maryland  
17 (2002 Volume and 2008 Supplement)

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

20 **Article – Criminal Law**

21 5–602.

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

23 (1) [manufacture, distribute,] **DISTRIBUTE** or dispense a controlled  
24 dangerous substance; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)   possess a controlled dangerous substance in sufficient quantity  
2 reasonably to indicate under all circumstances an intent to [manufacture, distribute,]  
3 **DISTRIBUTE** or dispense a controlled dangerous substance.

4 5–603.

5           Except as otherwise provided in this title, a person may not **MANUFACTURE A**  
6 **CONTROLLED DANGEROUS SUBSTANCE, OR** manufacture, distribute, or possess a  
7 machine, equipment, instrument, implement, device, or a combination of them that is  
8 adapted to produce a controlled dangerous substance under circumstances that  
9 reasonably indicate an intent to use it to produce, sell, or dispense a controlled  
10 dangerous substance in violation of this title.

11 9–801.

12           (a)   In this subtitle the following words have the meanings indicated.

13           (b)   “Coerce” means to compel or attempt to compel another by threat of harm  
14 or other adverse consequences.

15           (c)   “Criminal gang” means a group or ongoing association of three or more  
16 persons whose members:

17                   (1)   individually or collectively engage in a pattern of criminal gang  
18 activity;

19                   (2)   have as one of their primary objectives or activities the commission  
20 of one or more underlying crimes, including acts by juveniles that would be underlying  
21 crimes if committed by adults; and

22                   (3)   have in common an identifying sign, symbol, name, leader, or  
23 purpose.

24           (d)   “Pattern of criminal gang activity” means the commission of, attempted  
25 commission of, conspiracy to commit, or solicitation of two or more underlying crimes  
26 or acts by a juvenile that would be an underlying crime if committed by an adult,  
27 provided the crimes or acts were not part of the same incident.

28           (e)   “Solicit” has the meaning stated in § 11–301 of this article.

29           (f)   “Underlying crime” means:

30                   (1)   a crime of violence as defined under § 14–101 of this article;

31                   (2)   a felony violation of § 3–203, § 3–701, § 4–503, § 5–602, § **5–603**, §  
32 6–103, § 6–109, § 6–202, § 6–203, § 6–204, § 7–104, § 7–105, § 9–302, § 9–303, or  
33 § 9–305 of this article; or

1                   (3)     a felony violation of § 5–133 of the Public Safety Article.

2                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3     October 1, 2009.