

HOUSE BILL 626

E1

9lr1644

By: **Delegate Anderson**

Introduced and read first time: February 6, 2009

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 19, 2009

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

7 5–603.

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

14 9–801.

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

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

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

20 (1) individually or collectively engage in a pattern of criminal gang
21 activity;

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

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

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

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

32 (f) “Underlying crime” means:

- 1 (1) a crime of violence as defined under § 14–101 of this article;
- 2 (2) a felony violation of § 3–203, § 3–701, § 4–503, § 5–602, § ~~5–603~~, §
- 3 6–103, § 6–109, § 6–202, § 6–203, § 6–204, § 7–104, § 7–105, § 9–302, § 9–303, or
- 4 § 9–305 of this article; or
- 5 (3) a felony violation of § 5–133 of the Public Safety Article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

7 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.