

HOUSE BILL 359

E1

11r1988
CF SB 237

By: **Delegates Hough, Afzali, Boteler, Clippinger, Cluster, DeBoy, Krebs, McComas, McDermott, McDonough, McMillan, Parrott, Ready, B. Robinson, Schuh, Schulz, Simmons, Smigiel, and Valderrama**

Introduced and read first time: February 3, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Selling a Controlled Dangerous Substance to a Minor –**
3 **Causing Death**

4 FOR the purpose of prohibiting a person of a certain age from selling to a minor a
5 controlled dangerous substance, the use or ingestion of which directly causes
6 the death of the minor; establishing a penalty for a violation of this Act;
7 providing that a certain sentence shall be separate from and consecutive to or
8 concurrent with a certain other sentence; providing that a conviction under this
9 Act may not merge with a conviction under a certain provision of law; defining a
10 certain term; making a conforming change; and generally relating to selling a
11 controlled dangerous substance to a minor.

12 BY adding to
13 Article – Criminal Law
14 Section 5–602.1
15 Annotated Code of Maryland
16 (2002 Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 5–607(a)
20 Annotated Code of Maryland
21 (2002 Volume and 2010 Supplement)

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

24 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **5-602.1.**

2 (A) IN THIS SECTION, "SELL" MEANS TO TRANSFER OR EXCHANGE FOR
3 MONEY OR ITS EQUIVALENT.

4 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON 18
5 YEARS OF AGE OR OLDER MAY NOT SELL TO A MINOR A CONTROLLED
6 DANGEROUS SUBSTANCE, THE USE OR INGESTION OF WHICH DIRECTLY CAUSES
7 THE DEATH OF THE MINOR.

8 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
9 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

10 (D) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE
11 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY
12 CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

13 (E) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS
14 SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602 OF THIS
15 SUBTITLE.

16 **5-607.**

17 (a) Except as provided in §§ 5-602.1, 5-608, and 5-609 of this subtitle, a
18 person who violates a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a
19 felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not
20 exceeding \$15,000 or both.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2011.