

SENATE BILL 570

E1

3lr1925

By: **Senators Folden, Gallion, and Corderman**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Offenses Related to Methamphetamine – Penalty**

3 FOR the purpose of adding methamphetamine to a certain penalty provision applicable to
4 certain crimes involving controlled dangerous substances; and generally relating to
5 crimes involving controlled dangerous substances.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 5–609
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2022 Supplement)

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

13 **Article – Criminal Law**

14 5–609.

15 (a) Except as otherwise provided in this section, a person who violates a provision
16 of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled
17 dangerous substances is guilty of a felony and on conviction is subject to imprisonment not
18 exceeding 20 years or a fine not exceeding \$15,000 or both:

- 19 (1) phencyclidine;
- 20 (2) 1–(1-phenylcyclohexyl) piperidine;
- 21 (3) 1-phenylcyclohexylamine;
- 22 (4) 1-piperidinocyclohexanecarbonitrile;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (5) N-ethyl-1-phenylcyclohexylamine;
- 2 (6) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 3 (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 4 (8) lysergic acid diethylamide; [or]
- 5 (9) 750 grams or more of 3, 4-methylenedioxyamphetamine (MDMA);

6 OR

7 **(10) METHAMPHETAMINE.**

8 (b) A person who is convicted under subsection (a) of this section or of conspiracy
9 to commit a crime included in subsection (a) of this section is subject to imprisonment not
10 exceeding 20 years or a fine not exceeding \$15,000 or both if the person previously has been
11 convicted once:

12 (1) under subsection (a) of this section or § 5-608 of this subtitle;

13 (2) of conspiracy to commit a crime included in subsection (a) of this section
14 or § 5-608 of this subtitle;

15 (3) of a crime under the laws of another state or the United States that
16 would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if
17 committed in this State; or

18 (4) of any combination of these crimes.

19 (c) (1) A person who is convicted under subsection (a) of this section or of
20 conspiracy to commit a crime included in subsection (a) of this section is subject to
21 imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both if the person
22 previously:

23 (i) has served at least one term of confinement of at least 180 days
24 in a correctional institution as a result of a conviction under subsection (a) of this section,
25 § 5-608 of this subtitle, or § 5-614 of this subtitle; and

26 (ii) if the convictions do not arise from a single incident, has been
27 convicted twice:

28 1. under subsection (a) of this section or § 5-608 of this
29 subtitle;

30 2. of conspiracy to commit a crime included in subsection (a)
31 of this section or § 5-608 of this subtitle;

1 3. of a crime under the laws of another state or the United
2 States that would be a crime included in subsection (a) of this section or § 5–608 of this
3 subtitle if committed in this State; or

4 4. of any combination of these crimes.

5 (2) A separate occasion is one in which the second or succeeding crime is
6 committed after there has been a charging document filed for the preceding crime.

7 (d) A person who is convicted under subsection (a) of this section or of conspiracy
8 to commit a crime included in subsection (a) of this section is subject to imprisonment not
9 exceeding 40 years or a fine not exceeding \$25,000 or both if the person previously has
10 served three separate terms of confinement as a result of three separate convictions:

11 (1) under subsection (a) of this section or § 5–608 of this subtitle;

12 (2) of conspiracy to commit a crime included in subsection (a) of this section
13 or § 5–608 of this subtitle;

14 (3) of a crime under the laws of another state or the United States that
15 would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if
16 committed in this State; or

17 (4) of any combination of these crimes.

18 (e) A person convicted under subsection (a) of this section or of conspiracy to
19 commit a crime included in subsection (a) of this section is not prohibited from participating
20 in a drug treatment program under § 8–507 of the Health – General Article because of the
21 length of the sentence.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2023.