

HOUSE BILL 1361

E1, E2

6lr2619

By: **Delegate Rosenberg**

Introduced and read first time: February 13, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Controlled Dangerous Substances and Criminal Organizations**

3 FOR the purpose of establishing that a certain conspiracy involving a controlled dangerous
4 substance crime has the same penalty as the underlying crime; providing for the
5 venue for prosecution of a certain crime related to a controlled dangerous substance;
6 providing for the venue for prosecution of a certain crime committed in furtherance
7 of a crime involving a criminal organization; and generally relating to controlled
8 dangerous substance crimes and criminal organizations.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 5–602 and 9–807
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2025 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 5–611
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2025 Supplement)

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

Article – Criminal Law

22 5–602.

23 (a) Except as otherwise provided in this title, a person may not:

24 (1) distribute or dispense a controlled dangerous substance; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) possess a controlled dangerous substance other than cannabis in
2 sufficient quantity reasonably to indicate under all circumstances an intent to distribute or
3 dispense a controlled dangerous substance.

4 (b) (1) Except as otherwise provided in this title, a person may not possess
5 cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to
6 distribute or dispense cannabis.

7 (2) Possession of the civil use amount of cannabis or the personal use
8 amount of cannabis without other evidence of an intent to distribute or dispense does not
9 constitute a violation of paragraph (1) of this subsection.

10 (c) (1) (i) In this subsection, "adult sharing" means transferring cannabis
11 between persons who are 21 years of age or older without remuneration.

12 (ii) "Adult sharing" does not include instances in which:

13 1. cannabis is given away contemporaneously with another
14 reciprocal transaction between the same parties;

15 2. a gift of cannabis is offered or advertised in conjunction
16 with an offer for the sale of goods or services; or

17 3. a gift of cannabis is contingent on a separate reciprocal
18 transaction for goods or services.

19 (2) This section does not prohibit, and no civil or criminal penalty may be
20 imposed for, adult sharing of the personal use amount of cannabis.

21 **(D) (1) A PERSON MAY NOT CONSPIRE TO COMMIT A VIOLATION OF THIS**
22 **SECTION.**

23 **(2) EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, A PERSON**
24 **WHO IS CONVICTED FOR CONSPIRACY TO COMMIT A VIOLATION DESCRIBED IN THIS**
25 **SECTION SHALL BE SUBJECT TO THE SAME PENALTY AS THE UNDERLYING OFFENSE.**

26 **5-611.**

27 **(A) FOR PURPOSES OF VENUE, ANY VIOLATION OF THE CRIMINAL LAW**
28 **ARTICLE OR THE PUBLIC SAFETY ARTICLE COMMITTED IN FURTHERANCE OF A**
29 **VIOLATION OF THIS SUBTITLE IS CONSIDERED TO HAVE BEEN COMMITTED IN ANY**
30 **COUNTY:**

31 **(1) IN WHICH ANY ACT WAS PERFORMED IN FURTHERANCE OF A**
32 **VIOLATION OF THIS SUBTITLE;**

1 **(2) THAT IS THE PRINCIPAL PLACE OF THE OPERATIONS OF THE**
2 **CONSPIRACY IN THE STATE;**

3 **(3) IN WHICH A DEFENDANT HAD CONTROL OR POSSESSION OF**
4 **PROCEEDS OF A VIOLATION OF THIS SUBTITLE OR OF RECORDS OR OTHER**
5 **MATERIAL OR OBJECTS THAT WERE USED IN FURTHERANCE OF A VIOLATION; OR**

6 **(4) IN WHICH A DEFENDANT RESIDES.**

7 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN**
8 **CIRCUMSTANCES IN WHICH A VIOLATION OF THIS SUBTITLE IS ALLEGED TO HAVE**
9 **BEEN COMMITTED IN MORE THAN ONE COUNTY, THE RESPECTIVE STATE'S**
10 **ATTORNEY OF EACH COUNTY, OR THE ATTORNEY GENERAL, MAY JOIN THE CAUSES**
11 **OF ACTION IN A SINGLE COMPLAINT WITH THE CONSENT OF EACH STATE'S**
12 **ATTORNEY HAVING JURISDICTION OVER AN OFFENSE SOUGHT TO BE JOINED.**

13 9-807.

14 For purposes of venue, any violation of this subtitle, **OR A VIOLATION OF THIS**
15 **ARTICLE OR THE PUBLIC SAFETY ARTICLE COMMITTED IN FURTHERANCE OF A**
16 **VIOLATION OF THIS SUBTITLE**, is considered to have been committed in any county:

17 (1) in which any act was performed in furtherance of a violation of this
18 subtitle;

19 (2) that is the principal place of the operations of the criminal organization
20 in the State;

21 (3) in which a defendant had control or possession of proceeds of a violation
22 of this subtitle or of records or other material or objects that were used in furtherance of a
23 violation; or

24 (4) in which a defendant resides.

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2026.**