

SENATE BILL 406

E1

6lr3054
CF HB 171

By: **Senators Gile and Attar**

Introduced and read first time: January 29, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Drug Trafficking Crime – Definition**

3 FOR the purpose of altering the definition of “drug trafficking crime” applicable to
4 prohibitions against possessing, using, wearing, carrying, or transporting a firearm
5 during and in relation to a drug trafficking crime; and generally relating to drug
6 trafficking crime.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 5–602(b)(1), 5–603(b), and 5–621(a)(1), (b), and (c)
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2025 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 5–621(a)(2)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2025 Supplement)

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

19 **Article – Criminal Law**

20 5–602.

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

24 5–603.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as otherwise provided in this title, a person may not cultivate or grow
2 cannabis or manufacture a cannabis product, or manufacture, distribute, or possess a
3 machine, equipment, an instrument, an implement, a device, or a combination of them that
4 is adapted to produce cannabis or a cannabis product under circumstances that reasonably
5 indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product in
6 violation of this title.

7 5-621.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) "Drug trafficking crime" means:

10 (I) a felony or a conspiracy to commit a felony involving the
11 possession, distribution, manufacture, or importation of a controlled dangerous substance
12 under §§ 5-602 through 5-609 and 5-614 of this subtitle; **OR**

13 (II) **A MISDEMEANOR OR A CONSPIRACY TO COMMIT A**
14 **MISDEMEANOR IN VIOLATION OF § 5-602(B)(1) OR § 5-603(B) OF THIS SUBTITLE.**

15 (b) During and in relation to a drug trafficking crime, a person may not:

16 (1) possess a firearm under sufficient circumstances to constitute a nexus
17 to the drug trafficking crime; or

18 (2) use, wear, carry, or transport a firearm.

19 (c) (1) In addition to the sentence provided for the drug trafficking crime, a
20 person who violates subsection (b) of this section is guilty of a felony and on conviction is
21 subject to:

22 (i) for a first violation, imprisonment for not less than 5 years and
23 not exceeding 20 years; or

24 (ii) for each subsequent violation, imprisonment for not less than 10
25 years and not exceeding 20 years.

26 (2) (i) The court shall impose a minimum sentence of 5 years under
27 paragraph (1)(i) of this subsection.

28 (ii) The court shall impose a minimum sentence of 10 years under
29 paragraph (1)(ii) of this subsection.

30 (3) (i) A court may not suspend any part of a mandatory minimum
31 sentence.

(ii) Except as provided in § 4–305 of the Correctional Services Article, a person sentenced under this subsection is not eligible for parole.

(iii) A sentence imposed under paragraph (1)(ii) of this subsection shall be consecutive to and not concurrent with any other sentence imposed by virtue of the commission of the drug trafficking crime.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2026.