

SENATE BILL 619

E1

7lr2607

By: **Senators Hough, Brochin, Cassilly, Eckardt, Edwards, Norman, Ready, Serafini, Simonaire, and Waugh**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Controlled Dangerous Substances – Mixture**

3 FOR the purpose of prohibiting a person from knowingly distributing a certain mixture of
4 controlled dangerous substances; establishing certain penalties for the violation of a
5 certain law with a mixture of certain controlled dangerous substances; requiring that
6 a sentence for the distribution of a mixture of certain controlled dangerous
7 substances be consecutive to any other sentence imposed; and generally relating to
8 controlled dangerous substances.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 5–602
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2016 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 5–608.1
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2016 Supplement)

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

21 **Article – Criminal Law**

22 5–602.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 **5-608.1.**

6 (A) A PERSON MAY NOT KNOWINGLY VIOLATE § 5-602 OF THIS SUBTITLE
7 WITH A MIXTURE THAT CONTAINS HEROIN AND A DETECTABLE AMOUNT OF
8 FENTANYL OR ANY ANALOGUE OF FENTANYL.

9 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND,
10 IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF § 5-602 OF
11 THIS SUBTITLE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10
12 YEARS.

13 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE
14 TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED UNDER ANY
15 OTHER PROVISION OF LAW.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2017.