

HOUSE BILL 358

E1, E4

8lr0174
CF SB 313

By: **The Speaker (By Request – Administration)**

Introduced and read first time: January 24, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Controlled Dangerous Substances – Volume Dealers**

3 FOR the purpose of altering the list of controlled dangerous substances applicable to a
4 certain prohibition against volume dealing in controlled dangerous substances; and
5 generally relating to controlled dangerous substances offenses.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 5–612
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2017 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 5–612.

15 (a) A person may not manufacture, distribute, dispense, or possess:

16 (1) 50 pounds or more of marijuana;

17 (2) 448 grams or more of cocaine;

18 (3) 448 grams or more of any mixture containing a detectable amount of
19 cocaine;

20 (4) 448 grams or more of cocaine base, commonly known as “crack”;

21 (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or salt of an isomer of morphine or opium;

2 (6) [any mixture containing] 28 grams or more of **ANY MIXTURE**
3 **CONTAINING A DETECTABLE AMOUNT OF** morphine or opium or any derivative, salt,
4 isomer, or salt of an isomer of morphine or opium;

5 (7) **5 GRAMS OR MORE OF FENTANYL OR ANY STRUCTURAL VARIATION**
6 **OF FENTANYL THAT IS SCHEDULED BY THE UNITED STATES DRUG ENFORCEMENT**
7 **ADMINISTRATION;**

8 (8) **28 GRAMS OR MORE OF ANY MIXTURE CONTAINING A DETECTABLE**
9 **AMOUNT OF FENTANYL OR ANY STRUCTURAL VARIATION OF FENTANYL THAT IS**
10 **SCHEDULED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION;**

11 [(7)] (9) 1,000 dosage units or more of lysergic acid diethylamide;

12 [(8)] (10) any mixture containing the equivalent of 1,000 dosage units of
13 lysergic acid diethylamide;

14 [(9)] (11) 16 ounces or more of phencyclidine in liquid form;

15 [(10)] (12) 448 grams or more of any mixture containing phencyclidine;

16 [(11)] (13) 448 grams or more of methamphetamine; or

17 [(12)] (14) any mixture containing 448 grams or more of methamphetamine.

18 (b) For the purpose of determining the quantity of a controlled dangerous
19 substance involved in individual acts of manufacturing, distributing, dispensing, or
20 possessing under subsection (a) of this section, the acts may be aggregated if each of the
21 acts occurred within a 90-day period.

22 (c) (1) A person who is convicted of a violation of subsection (a) of this section
23 shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not
24 exceeding \$100,000.

25 (2) The court may not suspend any part of the mandatory minimum
26 sentence of 5 years.

27 (3) Except as provided in § 4-305 of the Correctional Services Article, the
28 person is not eligible for parole during the mandatory minimum sentence.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2018.