

HOUSE BILL 812

E1

9lr2167

By: **Delegates Kipke and Chisholm**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a person from knowingly distributing a controlled
4 dangerous substance if a reasonable person would believe that the controlled
5 dangerous substance would likely cause the death of another and the distribution of
6 the controlled dangerous substance causes the death of another; establishing
7 penalties for a violation of this Act; requiring a sentence for a violation of this Act to
8 be consecutive to any other sentence imposed; and generally relating to controlled
9 dangerous substances.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 5–602
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY adding to
16 Article – Criminal Law
17 Section 5–608.2
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2018 Supplement)

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

22 **Article – Criminal Law**

23 5–602.

24 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 **5-608.2**

6 (A) A PERSON MAY NOT KNOWINGLY VIOLATE § 5-602 OF THIS SUBTITLE IF:

7 (1) A REASONABLE PERSON WOULD BELIEVE THAT THE
8 DISTRIBUTION OF THE CONTROLLED DANGEROUS SUBSTANCE WOULD LIKELY
9 CAUSE THE DEATH OF ANOTHER; AND

10 (2) THE DISTRIBUTION OF THE CONTROLLED DANGEROUS
11 SUBSTANCE CAUSES THE DEATH OF ANOTHER.

12 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND,
13 IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF § 5-602 OF
14 THIS SUBTITLE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15
15 YEARS.

16 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE
17 TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED UNDER ANY
18 OTHER PROVISION OF LAW.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2019.