

SENATE BILL 218

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By: **Senator West**

Introduced and read first time: January 17, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes Involving Controlled Dangerous Substances – Penalties –**
3 **Methamphetamine**

4 FOR the purpose of adding methamphetamine to a certain penalty provision applicable to
5 certain crimes involving controlled dangerous substances; and generally relating to
6 crimes involving controlled dangerous substances.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 5–609
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2019 Supplement)

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

14 **Article – Criminal Law**

15 5–609.

16 (a) Except as otherwise provided in this section, a person who violates a provision
17 of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled
18 dangerous substances is guilty of a felony and on conviction is subject to imprisonment not
19 exceeding 20 years or a fine not exceeding \$15,000 or both:

- 20 (1) phencyclidine;
- 21 (2) 1–(1–phenylcyclohexyl) piperidine;
- 22 (3) 1–phenylcyclohexylamine;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (4) 1-piperidinocyclohexanecarbonitrile;
- 2 (5) N-ethyl-1-phenylcyclohexylamine;
- 3 (6) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 4 (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 5 (8) lysergic acid diethylamide; [or]
- 6 (9) 750 grams or more of 3, 4-methylenedioxyamphetamine (MDMA);

7 **OR**

8 **(10) METHAMPHETAMINE.**

9 (b) A person who is convicted under subsection (a) of this section or of conspiracy
10 to commit a crime included in subsection (a) of this section is subject to imprisonment not
11 exceeding 20 years or a fine not exceeding \$15,000 or both if the person previously has been
12 convicted once:

13 (1) under subsection (a) of this section or § 5-608 of this subtitle;

14 (2) of conspiracy to commit a crime included in subsection (a) of this section
15 or § 5-608 of this subtitle;

16 (3) of a crime under the laws of another state or the United States that
17 would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if
18 committed in this State; or

19 (4) of any combination of these crimes.

20 (c) (1) A person who is convicted under subsection (a) of this section or of
21 conspiracy to commit a crime included in subsection (a) of this section is subject to
22 imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both if the person
23 previously:

24 (i) has served at least one term of confinement of at least 180 days
25 in a correctional institution as a result of a conviction under subsection (a) of this section,
26 § 5-608 of this subtitle, or § 5-614 of this subtitle; and

27 (ii) if the convictions do not arise from a single incident, has been
28 convicted twice:

29 1. under subsection (a) of this section or § 5-608 of this
30 subtitle;

31 2. of conspiracy to commit a crime included in subsection (a)

1 of this section or § 5–608 of this subtitle;

2 3. of a crime under the laws of another state or the United
3 States that would be a crime included in subsection (a) of this section or § 5–608 of this
4 subtitle if committed in this State; or

5 4. of any combination of these crimes.

6 (2) A separate occasion is one in which the second or succeeding crime is
7 committed after there has been a charging document filed for the preceding crime.

8 (d) A person who is convicted under subsection (a) of this section or of conspiracy
9 to commit a crime included in subsection (a) of this section is subject to imprisonment not
10 exceeding 40 years or a fine not exceeding \$25,000 or both if the person previously has
11 served three separate terms of confinement as a result of three separate convictions:

12 (1) under subsection (a) of this section or § 5–608 of this subtitle;

13 (2) of conspiracy to commit a crime included in subsection (a) of this section
14 or § 5–608 of this subtitle;

15 (3) of a crime under the laws of another state or the United States that
16 would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if
17 committed in this State; or

18 (4) of any combination of these crimes.

19 (e) A person convicted under subsection (a) of this section or of conspiracy to
20 commit a crime included in subsection (a) of this section is not prohibited from participating
21 in a drug treatment program under § 8–507 of the Health – General Article because of the
22 length of the sentence.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2020.