

SENATE BILL 946

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3lr2205
CF HB 135

By: **Senator Smith**

Introduced and read first time: February 21, 2023

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances – Volume Dealers and Drug Kingpins –**
3 **Cannabis**

4 FOR the purpose of specifying that manufacturing, distributing, dispensing, or possessing
5 certain large quantities of certain controlled dangerous substances is a felony;
6 altering the penalties for being a volume dealer and drug kingpin with regard to
7 cannabis; and generally relating to volume dealers and drug kingpins.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 5–612 and 5–613
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2022 Supplement)

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

15 **Article – Criminal Law**

16 5–612.

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

18 (1) 50 pounds or more of cannabis;

19 (2) 448 grams or more of cocaine;

20 (3) 448 grams or more of any mixture containing a detectable amount, as
21 scientifically measured using representative sampling methodology, of cocaine;

22 (4) 448 grams or more of cocaine base, commonly known as “crack”;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(6) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(7) 5 grams or more of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(8) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(9) 1,000 dosage units or more of lysergic acid diethylamide;

(10) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(11) 16 ounces or more of phencyclidine in liquid form;

(12) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of phencyclidine;

(13) 448 grams or more of methamphetamine; or

(14) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of methamphetamine.

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

(c) (1) (I) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who [is convicted of a violation of] VIOLATES subsection (a) of this section IS GUILTY OF A FELONY AND ON CONVICTION shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding \$100,000.

[(2)] (II) The court may not suspend any part of the mandatory minimum sentence of 5 years.

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

(2) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

5–613.

(a) In this section, “drug kingpin” means an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance.

(b) (1) (I) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance in an amount listed in § 5–612 of this subtitle is guilty of a felony and on conviction is subject to imprisonment for not less than 20 years and not exceeding 40 years without the possibility of parole or a fine not exceeding \$1,000,000 or both.

[(2)] (II) A court may not suspend any part of the mandatory minimum sentence of 20 years.

[(3)] (III) The person is not eligible for parole during the mandatory minimum sentence.

(2) A DRUG KINGPIN WHO CONSPIRES TO MANUFACTURE, DISTRIBUTE, DISPENSE, TRANSPORT IN, OR BRING INTO THE STATE CANNABIS IN AN AMOUNT LISTED IN § 5–612(A)(1) OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH.

(c) It is not a defense to a prosecution under this section that the controlled dangerous substance was brought into or transported in the State solely for ultimate distribution or dispensing in another jurisdiction.

(d) Notwithstanding any other provision of this title, a conviction under this section does not merge with the conviction for any crime that is the object of the conspiracy.

(e) The provisions of § 6–220 of the Criminal Procedure Article do not apply to a conviction under this section.

(f) This section does not:

(1) prohibit a court from imposing an enhanced penalty under § 5–905 of this title; or

(2) preclude or limit a prosecution for any other crime.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.