

HOUSE BILL 1068

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0lr1901

By: **Delegates Shank, Anderson, Kramer, McConkey, Myers, Serafini, and Smigiel**

Introduced and read first time: February 17, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Distributing a Controlled Dangerous Substance to a Minor**
3 **Causing Death**

4 FOR the purpose of prohibiting a person of a certain age from distributing or
5 dispensing to a minor a controlled dangerous substance, the use or ingestion of
6 which causes the death of the minor; establishing a penalty for a violation of
7 this Act; providing that in a certain prosecution, the State need only prove that
8 a certain person, based on certain circumstances, should have known that the
9 minor had not attained a certain age; and generally relating to distributing a
10 controlled dangerous substance to a minor.

11 BY adding to
12 Article – Criminal Law
13 Section 5–602.1
14 Annotated Code of Maryland
15 (2002 Volume and 2009 Supplement)

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

18 **Article – Criminal Law**

19 **5–602.1.**

20 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON 18**
21 **YEARS OF AGE OR OLDER MAY NOT DISTRIBUTE OR DISPENSE TO A MINOR A**
22 **CONTROLLED DANGEROUS SUBSTANCE, THE USE OR INGESTION OF WHICH**
23 **CAUSES THE DEATH OF THE MINOR.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION**
2 **IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
3 **FOR NOT LESS THAN 20 YEARS AND NOT EXCEEDING LIFE.**

4 **(2) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY**
5 **MINIMUM SENTENCE OF 20 YEARS.**

6 **(3) THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE**
7 **MANDATORY MINIMUM SENTENCE.**

8 **(C) IN A PROSECUTION UNDER THIS SECTION, THE STATE NEED ONLY**
9 **PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE**
10 **CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED**
11 **THE AGE OF 18 YEARS.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2010.