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8 2018.

Equalizes Penalties for Possessing Larger Quantities of Crack and Powder Cocaine – CL Art., §5-612

OULD NOT  
FOR THE  
SECTION,  
ON SHALL  
MBER 30,

9 (2) THE COURT MAY CONSIDER AN APPLICATION AFTER SEPTEMBER  
10 30, 2018, ONLY FOR GOOD CAUSE SHOWN.

11 (3) THE COURT SHALL NOTIFY THE STATE’S ATTORNEY OF A  
12 REQUEST FOR A HEARING.

13 (4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION FOR A  
14 HEARING UNDER SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM  
15 SENTENCE FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE.

16 5-612.

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

18 (1) 50 pounds or more of marijuana;

19 (2) 448 grams or more of cocaine;

20 (3) 448 grams or more of any mixture containing a detectable amount of  
21 cocaine;

22 (4) [50] 448 grams or more of cocaine base, commonly known as “crack”;

23 (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,  
24 or salt of an isomer of morphine or opium;

25 (6) any mixture containing 28 grams or more of morphine or opium or any  
26 derivative, salt, isomer, or salt of an isomer of morphine or opium;

27 (7) 1,000 dosage units or more of lysergic acid diethylamide;

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

1           (9) 16 ounces or more of phencyclidine in liquid form;

2           (10) 448 grams or more of any mixture containing phencyclidine;

3           (11) 448 grams or more of methamphetamine; or

4           (12) any mixture containing 448 grams or more of methamphetamine.

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

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

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

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

16 5-905.

17           (a) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A person  
18 convicted of a subsequent crime under this title is subject to:

19           (1) a term of imprisonment twice that otherwise authorized;

20           (2) twice the fine otherwise authorized; or

21           (3) both.

22           (b) For purposes of this section, a crime is considered a subsequent crime, if, before  
23 the conviction for the crime, the offender has ever been convicted of a crime under this title  
24 or under any law of the United States or of this or another state relating to other controlled  
25 dangerous substances.

26           (c) A person convicted of a subsequent crime under a law superseded by this title  
27 is eligible for parole, probation, and suspension of sentence in the same manner as those  
28 persons convicted under this title.

29           (d) A sentence on a single count under this section may be imposed in conjunction  
30 with other sentences under this title.