

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

4 (iv) of any combination of these crimes.

5 (2) The court may not suspend any part of the mandatory minimum
6 sentence of 40 years.

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

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

13 **5–609.1.**

14 (A) A court may [depart from] **IMPOSE** a mandatory minimum sentence
15 prescribed in § 5–607, § 5–608, or § 5–609 of this subtitle [if the court finds and states on
16 the record] **ONLY IF THE STATE SHOWS** that, giving due regard to the nature of the crime,
17 the history and character of the defendant, and the defendant’s chances of successful
18 rehabilitation:

19 (1) imposition of the mandatory minimum sentence would **NOT** result in
20 substantial injustice to the defendant; and

21 (2) the mandatory minimum sentence is [not] necessary for the protection
22 of the public.

23 (B) **A COURT SHALL STATE ON THE RECORD THE REASONS FOR DEPARTING**
24 **FROM A MANDATORY MINIMUM SENTENCE.**

25 (C) (1) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT**
26 **TO PARAGRAPH (3) OF THIS SUBSECTION, A PERSON WHO IS SERVING A TERM OF**
27 **CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR**
28 **BEFORE SEPTEMBER 30, 2016, FOR A VIOLATION OF §§ 5–602 THROUGH 5–606 OF**
29 **THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY**
30 **MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4–345, REGARDLESS OF**
31 **WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A**
32 **MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.**

1 **(2) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE**
2 **MANDATORY MINIMUM SENTENCE AS PROVIDED IN SUBSECTION (A) OF THIS**
3 **SECTION.**

4 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, AN APPLICATION FOR A HEARING UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR**
7 **BEFORE SEPTEMBER 30, 2017.**

8 **(II) THE COURT MAY CONSIDER AN APPLICATION AFTER**
9 **SEPTEMBER 30, 2017, ONLY FOR GOOD CAUSE SHOWN.**

10 **(III) THE COURT SHALL NOTIFY THE STATE’S ATTORNEY OF A**
11 **REQUEST FOR A HEARING.**

12 **(IV) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION**
13 **FOR A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A MANDATORY**
14 **MINIMUM SENTENCE FOR A VIOLATION OF §§ 5–602 THROUGH 5–606 OF THIS**
15 **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;

30 (9) 16 ounces or more of phencyclidine in liquid form;

Links

The text above is extracted from the original HB1312 dated 2/13/2016.

To return to the page that sent you here, just close this window.

To see the current text of this legislation go to:

<http://mgaleg.maryland.gov/2016RS/bills/hb/hb1312f.pdf> or

<http://mgaleg.maryland.gov/2016RS/bills/sb/sb1005f.pdf>

To view the Maryland Alliance for Justice Reform summary page go to:

<http://www.ma4jr.org/jra-summary/>

To view the Maryland Alliance for Justice Reform's index to the JRA:

<http://www.ma4jr.org/jra-index/>

To see the legislative initiatives of the Maryland Alliance for Justice Reform:

<http://www.ma4jr.org/initiatives/>

To get further information about the Maryland Alliance for Justice Reform:

<http://www.ma4jr.org/>

Maryland Alliance for Justice Reform (MAJR) played a central 2015 role in advocating and supporting efforts to pass the Justice Reinvestment initiative in Maryland. While the 2016 JRA bill is not perfect from MAJR's viewpoint, its many important reforms could reduce Maryland's prison population by 16% and save \$270 million within 10 years.

By reinvesting those funds in alternatives to incarceration, our state's crime rate also could be reduced, taxpayer funds could be saved, while communities and families are strengthened. **For all these reasons, MAJR strongly recommends support and passage of the 2016 Maryland Justice Reinvestment Act.** Together, we can work to fill policy gaps and make further improvements through supplemental policy initiatives and legislation in future years.