



### Select Maryland Mandatory Minimum Laws

**IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.**

#### Drug Offenses

Maryland Criminal Law Code Section	Offense	Mandatory Minimum Sentence
§ 5-607(b)	2nd violations of § 5-602: manufacture, distribute, or dispense (or possess with intent to manufacture, distribute, or dispense) a controlled dangerous substance § 5-603: manufacture, distribute, or possess equipment adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance § 5-604: create, distribute, or possess with intent to distribute a counterfeit substance § 5-605: keeping a common nuisance § 5-606: making a false, counterfeited, or altered prescription for a controlled dangerous substance	2 years*
§ 5-608(b)	2nd violations of §§ 5-602 to 5-606 involving a Schedule I or II narcotic drug (including convictions for conspiracy)	10 years*
§ 5-608(c)	3rd violations of §§ 5-602 to 5-606 involving a Schedule I or II narcotic drug (including convictions for conspiracy)	25 years*
§ 5-608(d)	4th violations of §§ 5-602 to 5-606 involving a Schedule I or II narcotic drug (including convictions for conspiracy)	40 years*
§ 5-609(b)	2nd violations of §§ 5-602 through 5-606 (including conspiracy), and crime involves phencyclidine, 1-(1-phenylcyclohexyl) piperidine, 1-phenylcyclohexylamine, 1-piperidinocyclohexanecarbonitrile, N-ethyl-1-phenylcyclohexylamine, 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine, LSD, or 750+ grams of MDMA, if person <ul style="list-style-type: none"> <li>- Has a prior conviction under §§ 5-602 through 5-606 or § 5-608, or for conspiracy to commit a crime under one of those sections, OR</li> <li>- Has a prior conviction for a crime under the laws of another state or the United States that would be a crime included in §§ 5-602 through 5-606 or 5-608 had it been committed in Maryland, OR</li> <li>- Has a prior conviction for any combination of these offenses</li> </ul>	10 years*Δ



**Drug Offenses, cont.**

<b>Maryland Criminal Law Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
§ 5-609(c)	<p>3rd violations of §§ 5-602 through 5-606 (including conspiracy), and crime involves phencyclidine, 1-(1-phenylcyclohexyl) piperidine, 1-phenylcyclohexylamine, 1-piperidinocyclohexanecarbonitrile, N-ethyl-1-phenylcyclohexylamine, 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine, LSD, or 750+ grams of MDMA, if person</p> <ul style="list-style-type: none"> <li>- Has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction under §§ 5-602 through 5-606, 5-608, or 5-614 (drug importation)</li> <li>- Has 2 prior convictions that did not arise from a single incident</li> <li>- Has 2 convictions: under §§ 5-602 through 5-606 or 5-608, OR conspiracy to commit one of those offenses, OR of a crime under the laws of another state or the United States that would be a crime under §§ 5-602 through 5-606 or § 5-608 had it been committed in Maryland OR any combination of these crimes</li> </ul>	25 years*
§ 5-609(d)	<p>4th violations of §§ 5-602 through 5-606 (including conspiracy), and crime involves phencyclidine, 1-(1-phenylcyclohexyl) piperidine, 1-phenylcyclohexylamine, 1-piperidinocyclohexanecarbonitrile, N-ethyl-1-phenylcyclohexylamine, 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine, LSD, or 750+ grams of MDMA, if person</p> <ul style="list-style-type: none"> <li>- Has previously served 3 separate terms of confinement as a result of 3 separate convictions</li> <li>- Has 3 convictions: under §§ 5-602 through 5-606 or 5-608, OR conspiracy to commit one of those offenses, OR of a crime under the laws of another state or the United States that would be a crime under §§ 5-602 through 5-606 or § 5-608 had it been committed in Maryland OR any combination of these crimes</li> </ul>	40 years*
§ 5-613	Drug kingpins – an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into Maryland a controlled dangerous substance in an amount listed in § 5-612 (see below)	20 years*
§ 5-627	School zone violations – 2nd offense for manufacturing, distributing, dispensing, or possessing with intent to distribute a controlled dangerous substance in violation of § 5-602 (or conspiring to do any of those) in a school vehicle or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education	5 years,* added to sentence for underlying crime(s)



**Drug Offenses, cont.**

<b>Maryland Criminal Law Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
§ 5-612	<p>Volume narcotic drug dealing – manufacturing, dispensing, distributing, or possessing any of the following amounts of drugs (any drugs manufactured, possessed, dispensed, or distributed over a 90-day period can be added together to reach the totals below):</p> <ul style="list-style-type: none"> <li>50+ pounds of marijuana</li> <li>448+ grams of cocaine</li> <li>448+ grams of any mixture containing a detectable amount of cocaine</li> <li>50+ grams of crack</li> <li>28+ grams of morphine, opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium</li> <li>any mixture containing 28+ grams of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium</li> <li>1,000+ dosage units of LSD</li> <li>any mixture containing the equivalent of 1,000 dosage units of LSD</li> <li>16+ ounces of phencyclidine in liquid form</li> <li>448+ grams of any mixture containing phencyclidine</li> <li>448 grams+ of methamphetamine</li> <li>any mixture containing 448+ grams of methamphetamine</li> </ul>	5 years*

\*Sentence cannot be suspended. Person is not eligible for parole.

Δ A person convicted under this statute is **not** barred from participating in a drug treatment program ordered pursuant to § 8-507 of the Health – General section of the Maryland Code on account of the length of their sentence.



### Gun Offenses

Maryland Criminal Law Code Section	Offense	Mandatory Minimum Sentence
§ 4-203(c)(2)	Wearing or carrying a handgun, whether concealed or openly visible, on one's person or in one's vehicle	
	<p style="padding-left: 40px;">1st offense (and person has no prior convictions under §§ 4-101, 4-102, 4-203, or 4-204)</p> <p style="padding-left: 40px;">1st offense, while on public school property (and person has no prior convictions under §§ 4-101, 4-102, 4-203, or 4-204)</p>	<p style="padding-left: 40px;">30 days</p> <p style="padding-left: 40px;">90 days</p>
§ 4-203(c)(3)	Wearing or carrying a handgun, whether concealed or openly visible, on one's person or in one's vehicle	
	<p style="padding-left: 40px;">2nd offense (or person has a prior conviction under §§ 4-101, 4-102, or 4-204)</p> <p style="padding-left: 40px;">2nd offense (wearing or carrying a handgun, whether concealed or openly visible, on one's person or in one's vehicle while on public school property)</p>	<p style="padding-left: 40px;">1 year*</p> <p style="padding-left: 40px;">3 years*</p>
§ 4-203(c)(4)	Wearing or carrying a handgun, whether concealed or openly visible, on one's person or in one's vehicle	
	<p style="padding-left: 40px;">3rd or subsequent offense (or person has any two prior convictions under §§ 4-101, 4-102, or 4-204)</p> <p style="padding-left: 40px;">3rd or subsequent offense (wearing or carrying a handgun, whether concealed or openly visible, on one's person or in one's vehicle while on public school property)</p>	<p style="padding-left: 40px;">3 years*</p> <p style="padding-left: 40px;">5 years*</p>
	<p style="padding-left: 40px;">3rd or subsequent offense (wearing or carrying a handgun, whether concealed or openly visible, with the deliberate purpose of injuring or killing another person)</p>	<p style="padding-left: 40px;">5 years*</p>
§ 4-204(b)	Use of an antique handgun that is capable of being concealed (regardless of whether the gun is operable) during a crime of violence.	5 years,* added to sentence for underlying crime(s)



### Gun Offenses, cont.

Maryland Criminal Law Code Section	Offense	Mandatory Minimum Sentence
§ 4-306(b)	Use of an assault pistol or magazine capable of containing 20+ rounds of ammunition in the commission of a felony or crime of violence. 1st offense  2nd and subsequent offenses	5 years,* added to sentence for underlying crime(s)  10 years,* added to sentence for underlying crime(s)
§ 5-621(d)	Using, wearing, carrying, possessing, or transporting a firearm while committing a violation of §§ 5-602 through 5-609 or 5-614, AND that firearm is a machine gun, a weapon listed in §§ 4-301 or 5-101, or is equipped with a silencer	20 years*
§ 5-621(b), (c)	Using, wearing, carrying, possessing, or transporting a firearm while committing a violation of §§ 5-602 through 5-609 or 5-614 (drug trafficking offenses) 1st offense  2nd and subsequent offenses	5 years,* added to sentence for underlying crime(s)  10 years,* added to sentence for underlying crime(s)

\* Person is not eligible for parole, and court may not suspend the sentence or give probation.

### Violent Offenses

Maryland Criminal Law Code Section	Offense	Mandatory Minimum Sentence
§ 2-201	1st degree murder	Death, life without parole, or life imprisonment
§ 3-213	Attempting to poison another person	2 years



### Sex Offenses

Maryland Criminal Law Code Section	Offense	Mandatory Minimum Sentence
§ 3-303(d)(4)	1st degree rape of a person age 13 or younger, by a person age 18 or older.	25 years*
§ 3-304(c)(2)	2nd degree rape of a person age 13 or younger, by a person age 18 or older.	5 years*
§ 3-305(d)(4)	1st degree sexual offense against a person age 13 or younger, by a person age 18 or older.	25 years*
§ 3-306(c)(2)	2nd degree sexual offense against a person age 13 or younger, by a person age 18 or older.	5 years*
§ 3-323(b)	Incest: knowingly engaging in vaginal intercourse with anyone a person may not marry under § 2-202 of the Family Law Article	1 year

\*Sentence cannot be suspended. Person is not eligible for parole.

### Habitual Offenders

Maryland Criminal Law Code Section	Offense	Mandatory Minimum Sentence
§ 14-101	Person is convicted for a 4th crime of violence <sup>o</sup> and has previously served 3 separate terms of confinement in a correctional facility as a result of 3 separate convictions for any crime of violence	Life in prison without parole*
	Person is convicted of a 3rd crime of violence <sup>o</sup> and has previously been convicted for a crime of violence on 2 prior separate occasions (i.e., those 2 prior convictions did not arise from a single incident, and the 2nd crime was committed after a charging document had been filed for the 1st crime)	25 years*
	Person is convicted for a 2nd crime of violence <sup>o</sup> committed on or after October 1, 1994, and has previously been convicted for a crime of violence and served a term of confinement in a correctional facility for that conviction	10 years*

\*Sentence may not be suspended. Person is not eligible for parole unless and until he is at least 65 years old and has served at least 15 years of the sentence.

<sup>o</sup> Crimes of violence are defined in § 14-101(a) and include, among others, arson, kidnapping, manslaughter, murder, rape, robbery, carjacking, assault, sex offenses, and use of a handgun in the commission of a felony or crime of violence.