

# SENATE BILL 925

E1, A3  
SB 404/24 – JPR

5lr1688  
CF HB 413

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By: **Senator Smith**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Controlled Dangerous Substances and Firearms**

3 FOR the purpose of authorizing a person who is at least a certain age to manufacture a  
4 personal use amount of cannabis products or concentrated cannabis for personal use  
5 or adult sharing at a private residence if the manufacturing process does not involve  
6 the use of a volatile solvent; specifying that manufacturing, distributing, dispensing,  
7 or possessing certain large quantities of certain controlled dangerous substances is  
8 a felony; altering the penalties for being a volume dealer and drug kingpin with  
9 regard to cannabis; authorizing a certain person serving a certain term of  
10 confinement imposed on or before a certain date for an offense relating to volume  
11 dealing in cocaine base or cannabis or being a drug kingpin with regard to cocaine  
12 base or cannabis to file a certain motion to modify or reduce the sentence under  
13 certain circumstances; altering the penalties for certain crimes relating to firearms;  
14 and generally relating to controlled dangerous substances and firearms.

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Law  
17 Section 5–101(a) and (u) and 5–602  
18 Annotated Code of Maryland  
19 (2021 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Criminal Law  
22 Section 5–603, 5–612, and 5–613  
23 Annotated Code of Maryland  
24 (2021 Replacement Volume and 2024 Supplement)

25 BY adding to  
26 Article – Criminal Law  
27 Section 5–612.1 and 5–613.1  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 5–138, 5–140, 5–406, and 5–703  
Annotated Code of Maryland  
(2022 Replacement Volume and 2024 Supplement)

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

**Article – Criminal Law**

5–101.

(a) In this title the following words have the meanings indicated.

(u) “Personal use amount” means:

(1) an amount of usable cannabis that does not exceed 1.5 ounces;

(2) an amount of concentrated cannabis that does not exceed 12 grams;

(3) an amount of cannabis products containing  
delta–9–tetrahydrocannabinol that does not exceed 750 milligrams; or

(4) two or fewer cannabis plants.

5–602.

(a) Except as otherwise provided in this title, a person may not:

(1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance other than cannabis in  
sufficient quantity reasonably to indicate under all circumstances an intent to distribute or  
dispense a controlled dangerous substance.

(b) (1) Except as otherwise provided in this title, a person may not possess  
cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to  
distribute or dispense cannabis.

(2) Possession of the civil use amount of cannabis or the personal use  
amount of cannabis without other evidence of an intent to distribute or dispense does not  
constitute a violation of paragraph (1) of this subsection.

1 (c) (1) (i) In this subsection, “adult sharing” means transferring cannabis  
2 between persons who are 21 years of age or older without remuneration.

3 (ii) “Adult sharing” does not include instances in which:

4 1. cannabis is given away contemporaneously with another  
5 reciprocal transaction between the same parties;

6 2. a gift of cannabis is offered or advertised in conjunction  
7 with an offer for the sale of goods or services; or

8 3. a gift of cannabis is contingent on a separate reciprocal  
9 transaction for goods or services.

10 (2) This section does not prohibit, and no civil or criminal penalty may be  
11 imposed for, adult sharing of the personal use amount of cannabis.

12 5–603.

13 (a) Except as otherwise provided in this title, a person may not manufacture a  
14 controlled dangerous substance other than cannabis, or manufacture, distribute, or possess  
15 a machine, equipment, instrument, implement, device, or a combination of them that is  
16 adapted to produce a controlled dangerous substance other than cannabis under  
17 circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a  
18 controlled dangerous substance other than cannabis in violation of this title.

19 (b) Except as otherwise provided in this title, a person may not cultivate or grow  
20 cannabis or manufacture a cannabis product, or manufacture, distribute, or possess a  
21 machine, equipment, an instrument, an implement, a device, or a combination of them that  
22 is adapted to produce cannabis or a cannabis product under circumstances that reasonably  
23 indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product in  
24 violation of this title.

25 (c) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
26 MEANINGS INDICATED.

27 (ii) “ADULT SHARING” HAS THE MEANING STATED IN §  
28 5–602(C)(1) OF THIS SUBTITLE.

29 (iii) 1. “VOLATILE SOLVENT” MEANS A SOLVENT THAT IS OR  
30 PRODUCES A FLAMMABLE GAS OR VAPOR THAT, WHEN PRESENT IN THE AIR IN  
31 SUFFICIENT QUANTITIES, WILL CREATE EXPLOSIVE OR IGNITABLE MIXTURES.

32 2. “VOLATILE SOLVENT” INCLUDES BUTANE, HEXANE,  
33 AND PROPANE.

1           **(2) A PERSON WHO IS AT LEAST 21 YEARS OLD MAY MANUFACTURE A**  
2 **PERSONAL USE AMOUNT OF CANNABIS PRODUCTS OR CONCENTRATED CANNABIS**  
3 **FOR PERSONAL USE OR ADULT SHARING AT A PRIVATE RESIDENCE IF THE**  
4 **MANUFACTURING PROCESS DOES NOT INVOLVE THE USE OF A VOLATILE SOLVENT.**

5 5-612.

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

7           (1) 50 pounds or more of cannabis;

8           (2) 448 grams or more of cocaine;

9           (3) 448 grams or more of any mixture containing a detectable amount, as  
10 scientifically measured using representative sampling methodology, of cocaine;

11           (4) 448 grams or more of cocaine base, commonly known as “crack”;

12           (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,  
13 or salt of an isomer of morphine or opium;

14           (6) 28 grams or more of any mixture containing a detectable amount, as  
15 scientifically measured using representative sampling methodology, of morphine or opium  
16 or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

17           (7) 5 grams or more of fentanyl or any structural variation of fentanyl that  
18 is scheduled by the United States Drug Enforcement Administration;

19           (8) 28 grams or more of any mixture containing a detectable amount, as  
20 scientifically measured using representative sampling methodology, of fentanyl or any  
21 structural variation of fentanyl that is scheduled by the United States Drug Enforcement  
22 Administration;

23           (9) 1,000 dosage units or more of lysergic acid diethylamide;

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

26           (11) 16 ounces or more of phencyclidine in liquid form;

27           (12) 448 grams or more of any mixture containing a detectable amount, as  
28 scientifically measured using representative sampling methodology, of phencyclidine;

29           (13) 448 grams or more of methamphetamine; or

30           (14) 448 grams or more of any mixture containing a detectable amount, as  
31 scientifically measured using representative sampling methodology, of methamphetamine.

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

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

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

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

13 (2) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS  
14 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT  
15 NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

16 5-612.1.

17 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO  
18 SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF  
19 CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR  
20 BEFORE SEPTEMBER 30, 2017, FOR A VIOLATION OF § 5-612 OR § 5-613 OF THIS  
21 SUBTITLE INVOLVING LESS THAN 448 GRAMS OF COCAINE BASE MAY APPLY TO THE  
22 COURT TO MODIFY OR REDUCE THE MANDATORY MINIMUM SENTENCE AS PROVIDED  
23 IN MARYLAND RULE 4-345, REGARDLESS OF WHETHER THE DEFENDANT FILED A  
24 TIMELY MOTION FOR RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS  
25 DENIED BY THE COURT.

26 (B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE  
27 MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE  
28 REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE  
29 DEFENDANT, AND THE DEFENDANT'S CHANCES OF SUCCESSFUL REHABILITATION:

30 (1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD  
31 NOT RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND

32 (2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE  
33 PROTECTION OF THE PUBLIC.

1           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
2 **AN APPLICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FILED WITH**  
3 **THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2026.**

4           **(2) THE COURT MAY CONSIDER AN APPLICATION FILED AFTER**  
5 **SEPTEMBER 30, 2026, ONLY FOR GOOD CAUSE SHOWN.**

6           **(3) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF THE**  
7 **FILING OF AN APPLICATION.**

8           **(4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION UNDER**  
9 **SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM SENTENCE FOR A**  
10 **VIOLATION OF § 5-612 OF THIS SUBTITLE INVOLVING LESS THAN 448 GRAMS OF**  
11 **COCAINE BASE.**

12           **(5) THE COURT SHALL HOLD A HEARING ON AN APPLICATION FILED**  
13 **UNDER SUBSECTION (A) OF THIS SECTION.**

14 5-613.

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

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

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

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

28           **(2) A DRUG KINGPIN WHO CONSPIRES TO MANUFACTURE,**  
29 **DISTRIBUTE, DISPENSE, TRANSPORT IN, OR BRING INTO THE STATE CANNABIS IN AN**  
30 **AMOUNT LISTED IN § 5-612(A)(1) OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON**  
31 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE**  
32 **NOT EXCEEDING \$100,000 OR BOTH.**

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

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

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

8 (f) This section does not:

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

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

12 **5–613.1.**

13 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO**  
14 **SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF**  
15 **CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR**  
16 **BEFORE SEPTEMBER 30, 2025, FOR A VIOLATION OF § 5–612 OR § 5–613 OF THIS**  
17 **SUBTITLE INVOLVING CANNABIS MAY APPLY TO THE COURT TO MODIFY OR REDUCE**  
18 **THE MANDATORY MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4–345,**  
19 **REGARDLESS OF WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR**  
20 **RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS DENIED BY THE**  
21 **COURT.**

22 **(B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE**  
23 **MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE**  
24 **REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE**  
25 **DEFENDANT, AND THE DEFENDANT’S CHANCES OF SUCCESSFUL REHABILITATION:**

26 **(1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD**  
27 **NOT RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND**

28 **(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE**  
29 **PROTECTION OF THE PUBLIC.**

30 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
31 **AN APPLICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FILED WITH**  
32 **THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2026.**





1           (3) A person may not manufacture, sell, or offer for sale a handgun on  
2 which the manufacturer's identification mark or number is obliterated, removed, changed,  
3 or otherwise altered.

4           (b) The Secretary may seek an order from a circuit court to permanently or  
5 temporarily enjoin the willful and continuous manufacture, sale, or offer for sale, in  
6 violation of this section, of a handgun that is not included on the handgun roster.

7           (c) (1) A person who manufactures a handgun for distribution or sale in  
8 violation of this section is guilty of a [misdemeanor] **FELONY** and on conviction is subject  
9 to **IMPRISONMENT NOT EXCEEDING 5 YEARS OR** a fine not exceeding \$10,000 **OR BOTH**  
10 for each violation.

11           (2) A person who sells or offers to sell a handgun in violation of this section  
12 is guilty of a [misdemeanor] **FELONY** and on conviction is subject to **IMPRISONMENT NOT**  
13 **EXCEEDING 5 YEARS OR** a fine not exceeding \$2,500 **OR BOTH** for each violation.

14           (3) For purposes of this subsection, each handgun manufactured, sold, or  
15 offered for sale in violation of this [subsection] **SECTION** is a separate violation.

16 5-703.

17           (a) (1) A person may not purchase, receive, sell, offer to sell, or transfer an  
18 unfinished frame or receiver unless it is required by federal law to be, and has been,  
19 imprinted with a serial number by a federally licensed firearms manufacturer or federally  
20 licensed firearms importer in compliance with all federal laws and regulations applicable  
21 to the manufacture and import of firearms.

22           (2) Except as provided in paragraph (1) of this subsection, a person may  
23 not sell, offer to sell, or transfer a firearm unless it is imprinted with a serial number as  
24 described under subsection (b) of this section.

25           (b) (1) This subsection does not apply to:

26                   (i) possession of a firearm unless a person knew or reasonably  
27 should have known that the firearm was not imprinted with a serial number as described  
28 under this subsection;

29                   (ii) possession of a firearm that does not comply with the marking  
30 requirements described under this subsection by a person who received the firearm through  
31 inheritance, and is not otherwise prohibited from possessing the firearm, for a period not  
32 exceeding 30 days after inheriting the firearm; or

33                   (iii) possession of an unfinished frame or receiver by a person that  
34 made or manufactured the unfinished frame or receiver, without the use of any  
35 prefabricated parts, and who is not otherwise prohibited from possessing the unfinished

1 frame or receiver, for a period not exceeding 30 days after the person made or manufactured  
2 the unfinished frame or receiver.

3 (2) On or after March 1, 2023, a person may not possess a firearm unless:

4 (i) the firearm is required by federal law to be, and has been,  
5 imprinted by a federally licensed firearms manufacturer, federally licensed firearms  
6 importer, or other federal licensee authorized to provide marking services, with a serial  
7 number in compliance with all federal laws and regulations applicable to the manufacture  
8 and import of firearms; or

9 (ii) the firearm:

10 1. has been imprinted by a federally licensed firearms dealer,  
11 federal firearms manufacturer, or other federal licensee authorized to provide marking  
12 services, with:

13 A. the zip code of the current owner or person that made,  
14 completed, or initially assembled the firearm;

15 B. the initials of the current owner or person that made,  
16 completed, or initially assembled the firearm; and

17 C. a number that does not match a number used by the  
18 current owner on another firearm or by the person who made, completed, or initially  
19 assembled the firearm on any other firearm that the person has made, completed, or  
20 initially assembled; and

21 2. has been registered with the Secretary.

22 (c) (1) A person who violates subsection (a) of this section is guilty of a  
23 [misdemeanor] **FELONY** and on conviction is subject to imprisonment not exceeding 5 years  
24 or a fine not exceeding \$10,000 or both.

25 (2) A person who violates subsection (b) of this section is guilty of a  
26 misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine  
27 not exceeding \$10,000 or both.

28 (3) Each violation of this section is a separate crime.

29 (d) A federally licensed firearms dealer or other federal licensee authorized to  
30 provide marking services who imprints a firearm under subsection (b)(2)(ii) of this section  
31 shall imprint the firearm in compliance with all federal laws and regulations applicable to  
32 affixing serial numbers to firearms, including:

33 (1) minimum size and depth requirements; and

1                   (2) requirements that the numbers not be readily susceptible to being  
2 obliterated, altered, or removed.

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2025.