

WILLIAM DONALD SCHAEFER, Governor

(4) (5) NOTHING CONTAINED IN THIS SECTION SUBSECTION PROHIBITS THE COURT FROM IMPOSING AN ENHANCED PENALTY UNDER § 293 OF THIS ARTICLE. THIS SECTION SUBSECTION MAY NOT BE CONSTRUED TO PRECLUDE OR LIMIT ANY PROSECUTION FOR ANY OTHER CRIMINAL OFFENSE.

(D) (1) IT IS NOT NECESSARY IN ANY PROSECUTION UNDER THIS SECTION FOR THE STATE TO PROVE THAT ANY INTENDED PROFIT WAS ACTUALLY REALIZED.

(2) THE TRIER OF FACT MAY INFER THAT A PARTICULAR SCHEME OR COURSE OF CONDUCT WAS UNDERTAKEN FOR PROFIT FROM ALL OF THE ATTENDING CIRCUMSTANCES, INCLUDING THE NUMBER OF PERSONS INVOLVED IN THE SCHEME OR COURSE OF CONDUCT, THE ACTOR'S NET WORTH AND EXPENDITURES IN RELATION TO THE ACTOR'S LEGITIMATE SOURCES OF INCOME, THE AMOUNT OR PURITY OF THE SPECIFIED CONTROLLED DANGEROUS SUBSTANCES INVOLVED, OR THE AMOUNT OF CASH OR CURRENCY INVOLVED.

(E) (6) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT:

(1) THE CONTROLLED DANGEROUS SUBSTANCE WAS BROUGHT INTO OR TRANSPORTED IN THIS STATE SOLELY FOR ULTIMATE DISTRIBUTION OR DISPENSING IN ANOTHER JURISDICTION, OR

(2) ANY PROFIT WAS INTENDED TO BE MADE IN ANOTHER JURISDICTION.

286D.

(A) IF A PERSON MANUFACTURES OR DISTRIBUTES A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 286(A)(1) OF THIS ARTICLE, AND THE DEATH OF ANOTHER IS THE DIRECT RESULT OF THE INJECTION, INHALATION, OR INGESTION OF THAT SUBSTANCE, THE PERSON IS GUILTY OF A FELONY.

(B) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE DECEDENT'S DEATH WAS CAUSED BECAUSE THE DECEDENT PURPOSEFULLY, KNOWINGLY, OR RECKLESSLY INJECTED, INHALED, OR INGESTED THAT SUBSTANCE, OR THE DECEDENT CONSENTED TO THE ADMINISTRATION OF THAT SUBSTANCE BY ANOTHER.

(C) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE OR LIMIT ANY PROSECUTION FOR ANY OTHER CRIMINAL OFFENSE.

(D) ANY PERSON WHO VIOLATES THIS SECTION SHALL UPON CONVICTION BE SENTENCED TO IMPRISONMENT FOR A TERM OF NOT LESS THAN 5 YEARS NOR MORE THAN 10 YEARS, AND BE SUBJECT TO A FINE OF NOT MORE THAN \$25,000 OR BOTH. IT IS MANDATORY UPON THE COURT TO IMPOSE NO LESS THAN THE MINIMUM TERM OF IMPRISONMENT, NO PART OF WHICH MAY BE SUSPENDED AND THE PERSON MAY NOT BE ELIGIBLE FOR PAROLE.