

Also in subsection (a) of this section, the former prohibition against "manufactur[ing]" a false prescription is deleted in light of the prohibition against "mak[ing]" a false prescription.

Defined terms: "Controlled dangerous substance" § 5-101

"Counterfeit" § 1-101

"Distribute" § 5-101

"Person" § 1-101

"Possess" § 5-101

5-607. PENALTIES — CERTAIN CRIMES.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN §§ 5-608 AND 5-609 OF THIS SUBTITLE, A PERSON WHO VIOLATES A PROVISION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

(B) REPEAT OFFENDER.

(1) A PERSON WHO HAS BEEN CONVICTED PREVIOUSLY UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS.

(2) THE COURT MAY NOT SUSPEND THE MANDATORY MINIMUM SENTENCE TO LESS THAN 2 YEARS.

(3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 286(b)(3).

In subsection (a) of this section, the phrase "[e]xcept as provided in §§ 5-608 and 5-609 of this subtitle" is substituted for the former reference to "[a]ny other controlled dangerous substance classified in Schedule I, II, III, IV, or V", in light of §§ 5-608 and 5-609 of this subtitle. If a substance is not a narcotic drug or an hallucinogenic substance, then the penalties in this section apply.

Also in subsection (a) of this section, the reference to a person being "subject to ... imprisonment" is substituted for the former requirement that a person "shall ... [be] sentenced to a term of imprisonment", for consistency within this article.

Also in subsection (a) of this section, the former reference to a person being "deemed" guilty of a felony is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to a person "sentenced ... as a repeat offender" is deleted as implicit in the reference to