

a person "who has previously been convicted under subsection (a) of this section".

In subsection (b)(2) of this section, the reference to the "mandatory minimum sentence" is substituted for the former reference to the "prison sentence" for clarity.

In subsection (b)(3) of this section, the reference to a person not being eligible for parole "during the mandatory minimum sentence" is substituted for the former reference to a person not being eligible for parole "during that period" for clarity.

Defined term: "Person" § 1-101

5-608. SAME — NARCOTIC DRUG.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO VIOLATES A PROVISION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE WITH RESPECT TO A SCHEDULE I OR II NARCOTIC DRUG IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(B) SECOND TIME OFFENDER.

(1) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED ONCE:

(I) UNDER SUBSECTION (A) OF THIS SECTION;

(II) OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION; OR

(III) OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION IF COMMITTED IN THIS STATE.

(2) THE COURT MAY NOT SUSPEND THE MANDATORY MINIMUM SENTENCE TO LESS THAN 10 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.

(4) A PERSON CONVICTED UNDER SUBSECTION (A) OF THIS SECTION IS NOT PROHIBITED FROM PARTICIPATING IN A DRUG TREATMENT PROGRAM UNDER § 8-507 OF THE HEALTH - GENERAL ARTICLE BECAUSE OF THE LENGTH OF THE SENTENCE.