

FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 20 YEARS AND NOT EXCEEDING 40 YEARS WITHOUT THE POSSIBILITY OF PAROLE OR A FINE NOT EXCEEDING \$1,000,000 OR BOTH.

(2) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 20 YEARS.

(3) THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(C) ULTIMATE DISTRIBUTING OR DISPENSING ELSEWHERE NOT A DEFENSE.

IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE CONTROLLED DANGEROUS SUBSTANCE WAS BROUGHT INTO OR TRANSPORTED IN THE STATE SOLELY FOR ULTIMATE DISTRIBUTION OR DISPENSING IN ANOTHER JURISDICTION.

(D) MERGER.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A CONVICTION UNDER THIS SECTION DOES NOT MERGE WITH THE CONVICTION FOR ANY CRIME THAT IS THE OBJECT OF THE CONSPIRACY.

(E) PROBATION BEFORE JUDGMENT.

THE PROVISIONS OF § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE DO NOT APPLY TO A CONVICTION UNDER THIS SECTION.

(F) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT:

(1) PROHIBIT A COURT FROM IMPOSING AN ENHANCED PENALTY UNDER § 5-905 OF THIS TITLE; OR

(2) PRECLUDE OR LIMIT A PROSECUTION FOR ANY OTHER CRIME.

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

In subsection (a) of this section, the reference to an organizer, supervisor, financier, or manager "who acts" as a coconspirator is added for clarity.

Also in subsection (a) of this section, the former reference to a person "who occupies a position of" organizer, supervisor, financier, or manager is deleted as surplusage.

In subsection (b)(1) of this section, the reference to a fine or imprisonment "or ... both" is added as implicit in the use of the conjunction "and" between the term of imprisonment and the amount of the fine to which a defendant may be subject in former Art. 27, § 286(g)(2)(i) and (ii).

Also in subsection (b)(1) of this section, the reference to a controlled dangerous substance in "an amount" is substituted for the former