

CHAPTER 362

(House Bill 288)

AN ACT concerning

Attempted Possession or Solicitation of Controlled Dangerous Substances or Other Possession or Purchase of Noncontrolled Substances Believed to be Controlled Dangerous Substances

FOR the purpose of making it a crime under certain circumstances ~~to attempt to possess or solicit controlled dangerous substances or other substances or purchase noncontrolled substances~~ reasonably believed to be controlled dangerous substances; providing it is not a defense to the offense that the ~~substance possessed noncontrolled substance~~ was not a controlled dangerous substance; prescribing a penalty for a violation of this section; ~~and generally relating to attempted possession or solicitation of controlled dangerous substances or other substances reasonably believed to be controlled dangerous substances~~ establishing criteria for a court to consider in determining whether a person reasonably believed a noncontrolled substance to be a controlled dangerous substance; defining a certain term; and generally relating to the purchase or possession of noncontrolled substances reasonably believed to be controlled dangerous substances.

BY adding to

Article 27 - Crimes and Punishments  
Section 287B  
Annotated Code of Maryland  
(1987 Replacement Volume and 1990 Supplement)

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

Article 27 - Crimes and Punishments

287B.

(A) IN THIS SECTION, "NONCONTROLLED SUBSTANCE" MEANS ANY SUBSTANCE NOT CLASSIFIED AS A CONTROLLED DANGEROUS SUBSTANCE BY STATE LAW OR REGULATION.

~~(A)~~ (B) EXCEPT AS AUTHORIZED BY THIS SUBHEADING, IT IS UNLAWFUL FOR ANY PERSON ~~TO ATTEMPT TO POSSESS OR SOLICIT A CONTROLLED DANGEROUS SUBSTANCE OR ANY SUBSTANCE THE POSSESSOR TO POSSESS OR PURCHASE A NONCONTROLLED SUBSTANCE THAT THE PERSON REASONABLY BELIEVES TO BE A CONTROLLED DANGEROUS SUBSTANCE.~~