

HOUSE BILL 1066

E1

2lr2479
CF SB 916

By: **Delegates K. Kelly, Arora, Clippinger, Cluster, Dwyer, Hough, Lee, McComas, McDermott, Mitchell, Smigiel, Valentino-Smith, and Waldstreicher**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Robbery and Burglary – Pharmacies**

3 FOR the purpose of prohibiting an individual from taking unauthorized possession of a
4 certain controlled dangerous substance in a certain manner; prohibiting an
5 individual from employing or displaying a dangerous weapon during the
6 commission of a robbery of a pharmacy; prohibiting a person from breaking into
7 a pharmacy with the intent to steal, take, or carry away a certain controlled
8 dangerous substance; establishing certain penalties for a violation of this Act;
9 authorizing a certain sentence imposed under this Act to be separate from and
10 consecutive to or concurrent with a certain other sentence; and generally
11 relating to robbery or burglary of pharmacies.

12 BY adding to
13 Article – Criminal Law
14 Section 3–406
15 Annotated Code of Maryland
16 (2002 Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 6–201 and 6–203
20 Annotated Code of Maryland
21 (2002 Volume and 2011 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Health Occupations
24 Section 12–101(p)
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 **3–406.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “CONTROLLED DANGEROUS SUBSTANCE” MEANS A DRUG,
8 SUBSTANCE, OR IMMEDIATE PRECURSOR LISTED IN SCHEDULE II THROUGH
9 SCHEDULE V IN TITLE 5, SUBTITLE 4 OF THIS ARTICLE.

10 (3) “PHARMACY” HAS THE MEANING STATED IN § 12–101 OF THE
11 HEALTH OCCUPATIONS ARTICLE.

12 (B) (1) AN INDIVIDUAL MAY NOT TAKE UNAUTHORIZED POSSESSION
13 OF A CONTROLLED DANGEROUS SUBSTANCE FROM ANOTHER INDIVIDUAL IN A
14 PHARMACY BY FORCE OR VIOLENCE, OR BY PUTTING THAT INDIVIDUAL IN FEAR
15 THROUGH INTIMIDATION OR BY THREAT OF FORCE OR VIOLENCE.

16 (2) A PERSON MAY NOT EMPLOY OR DISPLAY A DANGEROUS
17 WEAPON DURING THE COMMISSION OF A ROBBERY OF A PHARMACY.

18 (C) (1) A PERSON WHO VIOLATES SUBSECTION (B)(1) OF THIS
19 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO
20 IMPRISONMENT NOT EXCEEDING 25 YEARS.

21 (2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS
22 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO
23 IMPRISONMENT NOT EXCEEDING 35 YEARS.

24 (D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE
25 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY
26 CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

27 6–201.

28 (a) In this subtitle the following words have the meanings indicated.

29 (b) “Break” retains its judicially determined meaning except to the extent
30 that its meaning is expressly or impliedly changed in this subtitle.

1 (c) (1) “Burglar’s tool” means a tool, instrument, or device adapted,
2 designed, or used to commit or facilitate the commission of a burglary crime.

3 (2) “Burglar’s tool” includes:

4 (i) a picklock, key, crowbar, prybar, jack, or bit;

5 (ii) explosive material including nitroglycerine, dynamite, or
6 gunpowder; and

7 (iii) a device capable of burning through metal, concrete, or other
8 solid material, including an acetylene torch, electric arc, burning bar, thermal lance,
9 or oxygen lance.

10 **(D) “CONTROLLED DANGEROUS SUBSTANCE” MEANS A DRUG, A**
11 **SUBSTANCE, OR AN IMMEDIATE PRECURSOR LISTED IN SCHEDULE II THROUGH**
12 **SCHEDULE V IN TITLE 5, SUBTITLE 4 OF THIS ARTICLE.**

13 **[(d)] (E)** “Crime of violence” has the meaning stated in § 14–101 of this
14 article.

15 **[(e)] (F)** “Dwelling” retains its judicially determined meaning except to the
16 extent that its meaning is expressly or impliedly changed in this subtitle.

17 **[(f)] (G)** “Enter” retains its judicially determined meaning except to the
18 extent that its meaning is expressly or impliedly changed in this subtitle.

19 **[(g)] (H)** (1) “Firearm” includes:

20 (i) a handgun, antique firearm, rifle, shotgun, short-barreled
21 shotgun, and short-barreled rifle, as those terms are defined in § 4–201 of this article;

22 (ii) a machine gun, as defined in § 4–401 of this article; and

23 (iii) a regulated firearm, as defined in § 5–101 of the Public
24 Safety Article.

25 (2) “Firearm” does not include a firearm that has been modified to be
26 permanently inoperative.

27 **[(h)] (I)** (1) “Storehouse” retains its judicially determined meaning.

28 (2) “Storehouse” includes:

29 (i) a building or other construction, or a watercraft;

1 (ii) a barn, stable, pier, wharf, and any facility attached to a pier
2 or wharf;

3 (iii) a storeroom or public building; and

4 (iv) a trailer, aircraft, vessel, or railroad car.

5 6–203.

6 (a) A person may not break and enter the storehouse of another with the
7 intent to commit theft, a crime of violence, or arson in the second degree.

8 (b) A person may not break and enter the storehouse of another with the
9 intent to steal, take, or carry away a firearm.

10 **(C) A PERSON MAY NOT BREAK AND ENTER A PHARMACY, AS DEFINED**
11 **IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE, WITH THE INTENT TO**
12 **STEAL, TAKE, OR CARRY AWAY A CONTROLLED DANGEROUS SUBSTANCE.**

13 **[(c)] (D)** A person who violates this section is guilty of the felony of burglary
14 in the second degree and on conviction is subject to:

15 (1) for a violation of subsection (a) of this section, imprisonment not
16 exceeding 15 years; and

17 (2) for a violation of subsection (b) **OR (C)** of this section,
18 imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

19 **Article – Health Occupations**

20 12–101.

21 (p) “Pharmacy” means an establishment in which prescription or
22 nonprescription drugs or devices are compounded, dispensed, or distributed.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2012.