

Article - Criminal Law

[Previous][Next]

§5–810.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Drug crime” means:
- (i) a violation of this title;
 - (ii) a violation of Title 12 of the Criminal Procedure Article; or
 - (iii) a violation of the law of any other jurisdiction if the prohibited conduct would be a violation of this title or Title 12 of the Criminal Procedure Article if committed in this State.
- (3) “License” has the meaning stated in Article 41, § 1-501 of the Code.
- (4) “Licensing authority” has the meaning stated in Article 41, § 1-501 of the Code.
- (5) “Licensing information” means a statement of:
- (i) each license held by the defendant on the date of sentencing;
 - (ii) the full name of the licensee as it appears on the license and, if different, as it appears in the court’s docket;
 - (iii) the birth date of the licensee; and
 - (iv) the name of each licensing authority by whom the defendant is licensed.
- (b) (1) If an individual is convicted of a drug crime, the court:
- (i) shall determine at sentencing whether the individual holds a license; and
 - (ii) if the individual holds a license, shall obtain the licensing information.
- (2) If the individual holds a license, at sentencing, the court shall make a prima facie finding of fact as to whether a relationship exists between the conviction and the license including:
- (i) a determination of the individual’s ability to perform the tasks authorized by the license;

(ii) a finding of whether the public will be protected if the individual continues to perform the tasks authorized by the license;

(iii) a finding of whether the nature and circumstances of the drug crime merit referral to the licensing authority; and

(iv) a finding of any other facts that the court considers relevant.

(3) If the court makes a prima facie finding of fact that a relationship between the conviction and the license exists, the court shall follow the procedures under subsection (c) of this section.

(c) (1) This subsection applies to a conviction of a licensee for a drug crime if:

(i) the licensee has at least one prior conviction or probation before judgment for a drug crime committed on or after January 1, 1991; or

(ii) 1. the licensee does not have a prior conviction or probation before judgment for a drug crime committed on or after January 1, 1991; and

2. the court makes a prima facie finding of fact that a relationship exists between the conviction and the license under subsection (b) of this section.

(2) On conviction of a licensee, the court shall:

(i) notify the clerk of the court of the determination; and

(ii) provide the clerk of the court with the licensing information.

(3) The clerk of the court shall certify and report the conviction and the licensing information to the licensing authority, under administrative orders that the Chief Judge of the Court of Appeals adopts.

(d) If the court makes a prima facie finding of fact under subsection (b) of this section that a relationship between the conviction and the license does not exist, the clerk may not certify or report to a licensing authority the conviction or the licensing information.

[Previous][Next]