
By: Delegate Slade

Introduced and read first time: February 16, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances - Manufacture or Distribution - Drug-Free Zones**

3 FOR the purpose of establishing enhanced penalties for manufacturing, distributing,
4 dispensing, or possessing with intent to distribute a controlled dangerous substance
5 if the offense occurred within a certain distance of an establishment that is licensed
6 to sell alcoholic beverages; establishing that, subject to a certain exception, a person
7 convicted of a subsequent offense under this Act is not eligible for parole for a
8 certain period of time; requiring a sentence imposed under this Act to be served
9 consecutively to any other sentence imposed; establishing that a conviction arising
10 under this Act may not merge with a conviction for certain other offenses; providing
11 for the admissibility of certain evidence; and generally relating to the penalties for
12 manufacturing, distributing, dispensing, or possessing with intent to distribute a
13 controlled dangerous substance.

14 BY repealing and reenacting, with amendments,
15 Article 27 - Crimes and Punishments
16 Section 286D
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1995 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 286D.

23 (a) A person who manufactures, distributes, dispenses, or possesses with intent to
24 distribute a controlled dangerous substance in violation of § 286(a)(1) of this subheading,
25 or who conspires to commit any of these offenses, is guilty of a felony if the offense
26 occurred:

27 (1) In, on, or within 1,000 feet of any real property owned by or leased to
28 any elementary school, secondary school, or school board, and used for elementary or
29 secondary education, as defined under § 1-101 of the Education Article, regardless of
30 whether:

31 (i) School was in session at the time of the offense; or

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1 (ii) The real property was being used for other purposes besides school
2 purposes at the time of the offense; [or]

3 (2) On a school vehicle, as defined under § 11-154 of the Transportation
4 Article; OR

5 (3) IN, ON, OR WITHIN 1,000 FEET OF AN ESTABLISHMENT THAT IS
6 LICENSED TO SELL ALCOHOLIC BEVERAGES UNDER ARTICLE 2B OF THE CODE.

7 (b) (1) A person who violates the provisions of this section, on conviction, shall
8 be subject to the following penalties:

9 (i) For a first offense, imprisonment for not more than 20 years or a
10 fine of not more than \$20,000 or both; or

11 (ii) For a second or subsequent offense, imprisonment for not less
12 than 5 or more than 40 years or a fine of not more than \$40,000 or both. It is mandatory
13 for the court to impose a minimum sentence of 5 years, which may not be suspended, and
14 a person is not eligible for parole during that period, except in accordance with Article
15 31B, § 11 of the Code.

16 (2) A sentence imposed under this subsection shall be served consecutively
17 to any other sentence imposed.

18 (c) Notwithstanding any other provision of law, a conviction arising under this
19 section may not merge with a conviction for a violation of § 286 or § 286C of this
20 subheading.

21 (d) (1) In a prosecution under this section, a map produced or reproduced by
22 any municipal or county agency or department for the purpose of depicting the location
23 and boundaries of the area on or within 1,000 feet of [the property of a public or
24 nonpublic elementary or secondary school that is used for school purposes,] A
25 PROPERTY OR AN ESTABLISHMENT DESCRIBED IN SUBSECTION (A)(1) OR (3) OF THIS
26 SECTION, or a true copy of the map, shall, if certified as a true copy by the custodian of
27 the record, be admissible and shall constitute prima facie evidence of the location and
28 boundaries of the area, if the governing body of the municipality or county has approved
29 the map as an official record of the location and boundaries of the area.

30 (2) A map approved under this section may be revised from time to time by
31 the governing body of the municipality or county.

32 (3) The original of every map approved or revised under this section, or a
33 true copy, shall be filed with the municipality or county and shall be maintained as an
34 official record of the municipality or county.

35 (4) This section does not preclude the prosecution from introducing or
36 relying upon any other evidence or testimony to establish any element of this offense.

37 (5) This section does not preclude the use or admissibility of map or
38 diagram other than the one which has been approved by the municipality or county.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
40 October 1, 1996.

