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By: **Delegates Taylor, Edwards, W. Baker, Barve, Bissett, Bozman, Busch, Conway, Dewberry, Donoghue, Eckardt, Fulton, Guns, Hubbard, Hurson, Kach, Klausmeier, Krysiak, Linton, McClenahan, McHale, V. Mitchell, Mohorovic, Owings, Poole, Rudolph, Slade, Stull, Walkup, and Weir**

Introduced and read first time: February 13, 1998  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Drug Free Zone - State Forests and Parks**

3 FOR the purpose of making it a felony to manufacture, dispense, distribute, or  
4 possess with intent to distribute certain controlled dangerous substances, or  
5 conspiring to commit these offenses, if the felony occurred within certain  
6 property owned by the State and managed by the Department of Natural  
7 Resources; making it a misdemeanor to possess controlled dangerous substances  
8 on certain property owned by the State and managed by the Department of  
9 Natural Resources; establishing certain penalties for these offenses; authorizing  
10 the Department of Natural Resources to adopt regulations to require the posting  
11 of signs designating certain areas as "drug free zones"; and generally relating to  
12 offenses related to controlled dangerous substances on State forests, parks, and  
13 other property.

14 BY adding to  
15 Article 27 - Crimes and Punishments  
16 Section 286D-1  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1997 Supplement)

19 BY adding to  
20 Article - Natural Resources  
21 Section 5-209(f)  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 1997 Supplement)

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

## Article 27 - Crimes and Punishments

2 286D-1.

3 (A)(1) A PERSON WHO MANUFACTURES, DISTRIBUTES, DISPENSES, OR  
4 POSSESSES WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE  
5 IN VIOLATION OF § 286(A)(1) OF THIS SUBHEADING, OR WHO CONSPIRES TO COMMIT  
6 ANY OF THESE OFFENSES, IS GUILTY OF A FELONY IF THE OFFENSE OCCURRED ON  
7 PROPERTY OWNED BY THE STATE AND MANAGED BY THE DEPARTMENT OF NATURAL  
8 RESOURCES, INCLUDING A FOREST, PARK, PUBLIC PARKLAND, OR RECREATIONAL  
9 AREA.

10 (2) A PERSON WHO IS CONVICTED OF VIOLATING THIS SUBSECTION IS  
11 SUBJECT TO:

12 (I) FOR A FIRST OFFENSE, IMPRISONMENT FOR NOT MORE THAN  
13 20 YEARS OR A FINE OF NOT MORE THAN \$20,000 OR BOTH; OR

14 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT  
15 FOR NOT LESS THAN 5 YEARS OR MORE THAN 40 YEARS OR A FINE OF NOT MORE  
16 THAN \$40,000 OR BOTH.

17 (3) IT IS MANDATORY FOR THE COURT TO IMPOSE A MINIMUM  
18 SENTENCE OF 5 YEARS, WHICH MAY NOT BE SUSPENDED, AND A PERSON IS NOT  
19 ELIGIBLE FOR PAROLE DURING THAT PERIOD, EXCEPT IN ACCORDANCE WITH  
20 ARTICLE 31B, § 11 OF THE CODE.

21 (B) (1) A PERSON WHO UNLAWFULLY POSSESSES A CONTROLLED  
22 DANGEROUS SUBSTANCE IS GUILTY OF A MISDEMEANOR IF THE OFFENSE  
23 OCCURRED ON PROPERTY OWNED BY THE STATE AND MANAGED BY THE  
24 DEPARTMENT OF NATURAL RESOURCES, INCLUDING A FOREST, PARK, PUBLIC  
25 PARKLAND, OR RECREATIONAL AREA.

26 (2) A PERSON WHO IS CONVICTED OF VIOLATING THIS SUBSECTION IS  
27 SUBJECT TO:

28 (I) IF THE OFFENSE INVOLVES THE POSSESSION OF MARIJUANA, A  
29 TERM OF IMPRISONMENT OF NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE  
30 THAN \$2,000 OR BOTH; OR

31 (II) IF THE OFFENSE INVOLVES ANY OTHER CONTROLLED  
32 DANGEROUS SUBSTANCE, A TERM OF IMPRISONMENT OF NOT MORE THAN 8 YEARS  
33 OR A FINE OF NOT MORE THAN \$50,000 OR BOTH.

34 (C) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE SERVED  
35 CONSECUTIVELY TO ANY OTHER SENTENCE IMPOSED.

36 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION  
37 ARISING UNDER THIS SECTION MAY NOT MERGE WITH A CONVICTION FOR A  
38 VIOLATION OF § 286 OR § 286C OF THIS SUBHEADING.

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**Article - Natural Resources**

2 5-209.

3 (F) (1) THE DEPARTMENT MAY ADOPT REGULATIONS REQUIRING THE  
4 POSTING OF SIGNS DESIGNATING PROPERTY OWNED BY THE STATE AND MANAGED  
5 BY THE DEPARTMENT, INCLUDING FORESTS, PARKS, AND NATURAL ENVIRONMENT  
6 AREAS TO BE "DRUG FREE ZONES".

7 (2) THE SIGNS SHALL BE DESIGNED TO PROVIDE NOTICE OF THE  
8 PROVISIONS OF ARTICLE 27, § 286D-1 OF THE CODE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1998.