
By: **Delegate Franchot**

Introduced and read first time: February 20, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances - Drug Offenders - Fees**

3 FOR the purpose of requiring persons who are convicted of or receive probation before
4 judgment for certain offenses relating to controlled dangerous substances to pay
5 certain fees to the clerk of the court; requiring the clerk of the court to forward
6 the money collected under this Act to the Comptroller; requiring the Comptroller
7 to deposit the money collected under this Act in the General Fund; prohibiting a
8 court from waiving certain fees unless certain circumstances exist; providing for
9 the application of this Act; and generally relating to controlled dangerous
10 substances.

11 BY adding to
12 Article 27 - Crimes and Punishments
13 Section 306
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1997 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 306.

20 (A) IN THIS SECTION, "DRUG OFFENDER" MEANS A PERSON WHO IS
21 CONVICTED OF OR RECEIVES PROBATION BEFORE JUDGMENT UNDER § 641 OF THIS
22 ARTICLE FOR VIOLATING ANY PROVISION OF THIS SUBHEADING.

23 (B) IN ADDITION TO ANY OTHER PROVISION OF LAW, A DRUG OFFENDER
24 SHALL PAY A FEE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION TO
25 THE CLERK OF THE COURT IN WHICH THE DRUG OFFENDER IS CONVICTED OR IN
26 WHICH PROBATION BEFORE JUDGMENT AGAINST THE DRUG OFFENDER IS ENTERED:

27 (1) \$4,000, IF THE DRUG OFFENDER IS CONVICTED OF VIOLATING § 286
28 (G) OF THIS SUBHEADING;

1 (2) \$3,000, IF THE DRUG OFFENDER IS CONVICTED OF VIOLATING § 281A,
2 § 286(B)(1) AND (2), § 286A, § 286C, OR § 287A(D)(2) OF THIS SUBHEADING;

3 (3) \$2,000, IF THE DRUG OFFENDER IS CONVICTED OF VIOLATING §
4 286(B)(3), § 286B, OR § 287A(D)(1) OF THIS SUBHEADING FOR A SUBSEQUENT OFFENSE
5 INVOLVING DELIVERY OR SALE OF DRUG PARAPHERNALIA;

6 (4) \$1,000, IF THE DRUG OFFENDER IS CONVICTED OF VIOLATING:

7 (I) § 287 OF THIS SUBHEADING INVOLVING ANY CONTROLLED
8 DANGEROUS SUBSTANCE OTHER THAN MARIJUANA; OR

9 (II) § 287A(C) OF THIS SUBHEADING, FOR A SUBSEQUENT OFFENSE
10 INVOLVING USE OF DRUG PARAPHERNALIA;

11 (5) \$500, IF THE DRUG OFFENDER IS CONVICTED OF VIOLATING:

12 (I) § 287 OF THIS SUBHEADING INVOLVING MARIJUANA;

13 (II) § 287A(C) OF THIS SUBHEADING, FOR A FIRST OFFENSE
14 INVOLVING USE OF DRUG PARAPHERNALIA; OR

15 (III) § 287A(D)(1) OF THIS SUBHEADING, FOR A FIRST OFFENSE
16 INVOLVING DELIVERY OR SALE OF DRUG PARAPHERNALIA; AND

17 (6) \$100, IF THE DRUG OFFENDER RECEIVES PROBATION BEFORE
18 JUDGMENT UNDER § 641 OF THIS ARTICLE FOR VIOLATING ANY PROVISION OF THIS
19 SUBHEADING.

20 (C) (1) THE CLERK OF THE COURT SHALL FORWARD THE MONEY
21 COLLECTED UNDER SUBSECTION (B) OF THIS SECTION TO THE COMPTROLLER.

22 (2) THE COMPTROLLER SHALL DEPOSIT THE MONEY IN THE GENERAL
23 FUND.

24 (D) (1) A COURT MAY NOT WAIVE A FEE IMPOSED UNDER THIS SECTION
25 UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT A DRUG
26 OFFENDER IS NOT FINANCIALLY ABLE TO PAY THE FEE.

27 (2) THE COURT MAY MAKE A FINDING AS DESCRIBED IN PARAGRAPH (1)
28 OF THIS SUBSECTION ONLY AFTER A HEARING AT WHICH THE DRUG OFFENDER HAS
29 THE BURDEN OF PROVING THE DRUG OFFENDER'S INABILITY TO PAY ANY PORTION
30 OF THE FEE.

31 (3) THE COURT SHALL WAIVE ONLY THE PORTION OF THE FEE THAT
32 THE COURT FINDS THAT THE DRUG OFFENDER IS NOT FINANCIALLY ABLE TO PAY.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall only apply
34 to offenses committed on or after the effective date of this Act and may not be
35 construed to apply in any way to offenses committed before the effective date of this
36 Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1998.