
By: **Senator Munson**

Introduced and read first time: February 26, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Preschools - Drug Free School Zones**

3 FOR the purpose of providing that a person who manufactures, dispenses,
4 distributes, or possesses with intent to distribute certain controlled dangerous
5 substances, or who conspires to commit these offenses, is guilty of a felony if
6 certain activities are conducted within a certain distance of or on real property
7 used for certain school purposes; permitting local school boards to adopt
8 regulations requiring the posting of certain signs for a preschool; defining a
9 certain term; and generally relating to offenses related to controlled dangerous
10 substances on or near property used for preschool purposes.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 286D
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Education
18 Section 4-124
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1998 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 286D.

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

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

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

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

8 (2) IN, ON, OR WITHIN 1,000 FEET OF ANY REAL PROPERTY OWNED BY OR
9 LEASED TO ANY PRESCHOOL, AS DEFINED UNDER § 4-124 OF THE EDUCATION
10 ARTICLE, AND USED FOR PRESCHOOL EDUCATION, REGARDLESS OF WHETHER:

11 (I) SCHOOL WAS IN SESSION AT THE TIME OF THE OFFENSE; OR

12 (II) THE REAL PROPERTY WAS BEING USED FOR OTHER PURPOSES
13 BESIDES SCHOOL PURPOSES AT THE TIME OF THE OFFENSE; OR

14 [(2)] (3) On a school vehicle, as defined under § 11-154 of the
15 Transportation Article.

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

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

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

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

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

30 (d) (1) In a prosecution under this section, a map produced or reproduced by
31 any municipal or county agency or department for the purpose of depicting the
32 location and boundaries of the area on or within 1,000 feet of the property of a public
33 or nonpublic elementary or secondary school that is used for school purposes, or a true
34 copy of the map, shall, if certified as a true copy by the custodian of the record, be
35 admissible and shall constitute prima facie evidence of the location and boundaries of
36 the area, if the governing body of the municipality or county has approved the map as
37 an official record of the location and boundaries of the area.

