
By: **Delegate Finifter**
Introduced and read first time: February 11, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Drug Free School Zones - Drug Paraphernalia**

3 FOR the purpose of making it a felony to use, deliver, sell, possess, or manufacture in
4 a certain way and with a certain intent drug paraphernalia within a certain
5 distance of school property; and generally relating to the use of drug
6 paraphernalia near school property.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 286D(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article 27 - Crimes and Punishments
14 Section 286D(b)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1999 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 286D.

21 (a) (1) [A person who] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
22 PERSON IS GUILTY OF A FELONY IF THE PERSON:

23 (I) [manufactures] MANUFACTURES, distributes, dispenses, or
24 possesses with intent to distribute a controlled dangerous substance in violation of §
25 286(a)(1) of this subheading[.];

26 (II) USES OR POSSESSES WITH INTENT TO USE DRUG
27 PARAPHERNALIA IN VIOLATION OF § 287A(C) OF THIS SUBHEADING;

1 (III) DELIVERS OR SELLS, POSSESSES WITH INTENT TO DELIVER OR
2 SELL, OR MANUFACTURES WITH INTENT TO DELIVER OR SELL DRUG
3 PARAPHERNALIA IN VIOLATION OF § 287A(D) OF THIS SUBHEADING; or

4 (IV) [who conspires] CONSPIRES to commit any of these offenses[,
5 is guilty of a felony if the offense occurred:].

6 [(1)] (2) [In,] TO BE CHARGEABLE, THE OFFENSE MUST OCCUR:

7 (I) IN, on, or within 1,000 feet of any real property owned by or
8 leased to any elementary school, secondary school, or school board, and used for
9 elementary or secondary education, as defined under § 1-101 of the Education Article,
10 regardless of whether:

11 [(i)] 1. School was in session at the time of the offense; or

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

14 [(2)] (II) 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 § 4-305 of the Correctional Services Article.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2000.