
By: **Delegates Hammen, Krysiak, and McHale**
Introduced and read first time: January 15, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Drug-Free Zones - Recreation Areas**

3 FOR the purpose of making it a felony to commit certain drug-related crimes in, on,
4 or within 1,000 feet of a recreation area in Baltimore City; establishing certain
5 penalties for certain drug-related crimes; establishing that a certain sentence
6 imposed for committing certain drug-related crimes be served consecutively to
7 other sentences; providing that certain sentences do not merge; providing that a
8 certain map may be admissible as prima facie evidence of certain facts;
9 providing certain guidelines for certain maps; authorizing the State or
10 Baltimore City to post certain signs; requiring certain signs to provide a certain
11 notice; providing that the failure to post certain signs does not exempt a
12 recreation area from the provisions of this Act; defining "recreation area"; and
13 generally relating to drug-free zones and recreation areas.

14 BY adding to
15 Article - Criminal Law
16 Section 5-629
17 Annotated Code of Maryland
18 (2002 Volume)

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

21 **Article - Criminal Law**

22 5-629.

23 (A) IN THIS SECTION, "RECREATION AREA" MEANS PROPERTY THAT IS:

24 (1) OWNED OR OPERATED BY THE STATE OR BALTIMORE CITY; AND

25 (2) MAINTAINED AS A FOREST, PARK, PUBLIC PARKLAND, WILDLAND,
26 OPEN AREA, RECREATION CENTER, OR RECREATIONAL ACTIVITY AREA.

27 (B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

1 (C) IN, ON, OR WITHIN 1,000 FEET OF A RECREATION AREA, A PERSON MAY
2 NOT:

3 (1) USE OR POSSESS A CONTROLLED DANGEROUS SUBSTANCE IN
4 VIOLATION OF § 5-601 OF THIS SUBTITLE;

5 (2) MANUFACTURE, DISTRIBUTE, DISPENSE, OR POSSESS WITH INTENT
6 TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-602
7 OF THIS SUBTITLE;

8 (3) POSSESS OR DISTRIBUTE CONTROLLED PARAPHERNALIA IN
9 VIOLATION OF § 5-620 OF THIS SUBTITLE; OR

10 (4) CONSPIRE TO COMMIT ANY OF THESE CRIMES.

11 (D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
12 AND ON CONVICTION IS SUBJECT TO:

13 (I) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 20
14 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH; OR

15 (II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT LESS
16 THAN 5 YEARS AND NOT EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING \$40,000 OR
17 BOTH.

18 (2) (I) THE COURT MAY NOT SUSPEND THE 5-YEAR MINIMUM
19 SENTENCE REQUIRED BY PARAGRAPH (1)(II) OF THIS SUBSECTION.

20 (II) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
21 CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER PARAGRAPH
22 (1)(II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING THIS PERIOD OF
23 THE 5-YEAR MINIMUM SENTENCE.

24 (3) A SENTENCE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION
25 SHALL BE CONSECUTIVE TO ANY OTHER SENTENCE IMPOSED.

26 (E) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS
27 SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-601, § 5-602, § 5-603, §
28 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, § 5-620, OR § 5-628 OF
29 THIS SUBTITLE.

30 (F) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP OR CERTIFIED
31 COPY OF A MAP MADE BY BALTIMORE CITY TO DEPICT THE LOCATION AND
32 BOUNDARIES OF THE AREA WITHIN 1,000 FEET OF A RECREATION AREA IS
33 ADMISSIBLE AS PRIMA FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF
34 THE DEPICTED AREA, IF THE MAYOR OR CITY COUNCIL OF BALTIMORE APPROVES
35 THE MAP OR CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD OF THE
36 LOCATION AND BOUNDARIES OF THE DEPICTED AREA.

1 (2) THE MAP OR A CERTIFIED COPY OF THE MAP SHALL BE FILED WITH
2 BALTIMORE CITY, WHICH SHALL MAINTAIN THE MAP OR THE CERTIFIED COPY OF
3 THE MAP AS AN OFFICIAL RECORD.

4 (3) THE MAYOR OR THE CITY COUNCIL OF BALTIMORE MAY
5 PERIODICALLY REVISE THE MAP OR CERTIFIED COPY OF THE MAP.

6 (4) THIS SUBSECTION DOES NOT PRECLUDE THE PROSECUTION FROM
7 INTRODUCING OTHER EVIDENCE TO ESTABLISH AN ELEMENT OF A CRIME UNDER
8 THIS SECTION.

9 (5) THIS SUBSECTION DOES NOT PRECLUDE THE USE OR ADMISSIBILITY
10 OF MAPS OR DIAGRAMS OTHER THAN THOSE APPROVED BY BALTIMORE CITY.

11 (G) (1) THE STATE OR BALTIMORE CITY MAY POST SIGNS INDICATING THAT
12 A RECREATION AREA IS A "DRUG-FREE ZONE".

13 (2) SIGNS POSTED UNDER THIS SUBSECTION SHALL BE DESIGNED TO
14 PROVIDE NOTICE OF THE PROVISIONS OF THIS SECTION.

15 (3) THE FAILURE OF THE STATE OR BALTIMORE CITY TO POST A SIGN
16 UNDER THIS SUBSECTION DOES NOT EXEMPT A RECREATION AREA FROM THE
17 PROVISIONS OF THIS SECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2003.