

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 69
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegates McMillan and V. Clagett” and substitute “Anne Arundel County Delegation”; strike beginning with “expanding” in line 3 down through “Annapolis” in line 6 and substitute “authorizing the Annapolis City Council to designate specific areas as drug free zones”; in line 10, strike “certain property” and substitute “drug free zones”; in the same line, strike “authorizing” and substitute “requiring”; strike beginning with “Anne” in line 10 down through the third “of” in line 11; in line 11, after “Annapolis” insert “City Council”; strike in their entirety lines 15 through 19, inclusive; and strike in their entirety lines 25 through 29, inclusive.

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 through line 19 on page 5, inclusive, and substitute:

“5-627.1.

(A) (1) THIS SECTION APPLIES ONLY IN THE CITY OF ANNAPOLIS.

(2) THE ANNAPOLIS CITY COUNCIL MAY DESIGNATE SPECIFIC AREAS IN THE CITY OF ANNAPOLIS AS DRUG FREE ZONES.

(B) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR POSSESS WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-602 OF THIS SUBTITLE OR CONSPIRE TO COMMIT ANY OF THESE CRIMES IN A DRUG FREE ZONE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

(Over)

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

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

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

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

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

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

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

(E) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP OR CERTIFIED COPY OF A MAP MADE BY A UNIT OF THE CITY OF ANNAPOLIS TO DEPICT THE LOCATION AND BOUNDARIES OF THE DRUG FREE ZONE IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF THE DEPICTED AREA, IF THE MAYOR AND CITY COUNCIL OF ANNAPOLIS APPROVE THE MAP OR CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD OF THE LOCATION AND BOUNDARIES OF THE DEPICTED AREA.

(2) THE MAP OR A CERTIFIED COPY OF THE MAP SHALL BE FILED WITH THE CITY OF ANNAPOLIS, WHICH SHALL MAINTAIN THE MAP OR THE

CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD.

(3) THE MAYOR AND CITY COUNCIL OF ANNAPOLIS MAY REVISE PERIODICALLY THE MAP OR CERTIFIED COPY OF THE MAP.

(4) THIS SUBSECTION DOES NOT PRECLUDE:

(I) THE PROSECUTION FROM INTRODUCING OTHER EVIDENCE TO ESTABLISH AN ELEMENT OF A CRIME UNDER THIS SECTION; OR

(II) THE USE OR ADMISSIBILITY OF MAPS OR DIAGRAMS OTHER THAN THOSE APPROVED BY THE MAYOR AND CITY COUNCIL OF ANNAPOLIS.

(F) (1) THE CITY COUNCIL OF ANNAPOLIS SHALL POST SIGNS IDENTIFYING AREAS THAT ARE DRUG FREE ZONES.

(2) THE SIGNS SHALL BE DESIGNED IN ORDER TO PROVIDE NOTICE OF THE PROVISIONS OF THIS SECTION.

(3) ALL NEW AND REPLACEMENT SIGNS SHALL INCLUDE A TELEPHONE NUMBER TO REPORT INFORMATION CONCERNING SUSPECTED ILLEGAL DRUG ACTIVITY.”.