

BY: Delegates Kelley and McMillan

AMENDMENTS TO HOUSE BILL NO. 69
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 2, strike “City of Annapolis -”; in the same line, after “Zones” insert “Community or Recreation Centers”; strike beginning with “of” in line 3 down through “Annapolis” in line 17 and substitute “of creating drug-free zones within a certain distance of community and recreation centers; making the felony of manufacturing, dispensing, distributing, or possessing with intent to distribute certain controlled dangerous substances or conspiring to commit these offenses extend to certain drug-free zones; providing certain penalties; making certain maps admissible as prima facie evidence of the location and boundaries of certain property; authorizing counties and municipal corporations to post signs designating certain areas as drug-free zones; requiring that the signs contain certain information; defining a certain term; and generally relating to drug-free zones around certain community or recreation centers”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“BY adding to

Article 24 - Political Subdivisions - Miscellaneous Provisions

Section 20-101 to be under the new title “Title 20. Community or Recreation Center
Drug-Free Zones”

Annotated Code of Maryland
(2005 Replacement Volume)”.

AMENDMENT NO. 3

On page 2, after line 15, insert:

“Article 24 - Political Subdivisions - Miscellaneous Provisions

(Over)

TITLE 20. COMMUNITY OR RECREATION CENTER DRUG-FREE ZONES.

20-101.

(A) A COUNTY OR MUNICIPAL CORPORATION MAY POST SIGNS DESIGNATING THE AREAS WITHIN 1,000 FEET OF COMMUNITY OR RECREATION CENTERS AS “DRUG-FREE ZONES”.

(B) THE SIGNS SHALL BE DESIGNED TO PROVIDE NOTICE OF THE PROVISIONS OF § 5-627.1 OF THE CRIMINAL LAW ARTICLE.”.

AMENDMENT NO. 4

On pages 5 through 7, strike beginning with line 29 on page 5 through line 10 on page 7, inclusive, and substitute:

“(A) IN THIS SECTION, “COMMUNITY OR RECREATION CENTER” MEANS A FACILITY THAT:

(1) PROVIDES, FOR THE GENERAL PUBLIC, HEALTH, SOCIAL, NUTRITIONAL, EDUCATIONAL, OR RECREATIONAL SERVICES; AND

(2) IS OPERATED BY OR UNDER THE CONTROL OF A LOCAL GOVERNMENTAL ENTITY.

(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, ON, OR WITHIN 1,000 FEET OF A COMMUNITY OR RECREATION CENTER.

(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 NOT EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING \$40,000 OR BOTH.

(2) 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 COUNTY OR MUNICIPAL UNIT TO DEPICT THE LOCATION AND BOUNDARIES OF THE AREA WITHIN 1,000 FEET OF A COMMUNITY OR RECREATION CENTER IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF THE DEPICTED AREA, IF THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION APPROVES 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 COUNTY OR MUNICIPAL CORPORATION, WHICH SHALL MAINTAIN THE MAP OR THE CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD.

(3) THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION MAY REVISE PERIODICALLY THE MAP OR CERTIFIED COPY OF THE MAP.

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

(5) THIS SUBSECTION DOES NOT PRECLUDE THE USE OR ADMISSIBILITY OF MAPS OR DIAGRAMS OTHER THAN THOSE APPROVED BY THE COUNTY OR MUNICIPAL CORPORATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.”.

On page 7, in line 11, strike “2.” and substitute “3.”.