

(PRE-FILED)

By: **Delegates McMillan and V. Clagett**
 Requested: November 15, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **City of Annapolis - Drug Free Zones**

3 FOR the purpose of expanding drug free zones in the City of Annapolis to include
 4 areas within a certain distance of school bus stops, buildings that house Head
 5 Start Programs, and housing projects of the Housing Authority of the City of
 6 Annapolis; making the felony of manufacturing, dispensing, distributing, or
 7 possessing with intent to distribute certain controlled dangerous substances or
 8 conspiring to commit these offenses extend to certain drug free zones; providing
 9 certain penalties; making certain maps admissible as prima facie evidence of the
 10 location and boundaries of certain property; authorizing the Anne Arundel
 11 County Board of Education and the Housing Authority of the City of Annapolis
 12 to post signs designating certain areas as drug free zones; requiring that the
 13 signs contain certain information; and generally relating to drug free zones in
 14 the City of Annapolis.

15 BY repealing and reenacting, with amendments,
 16 Article - Criminal Law
 17 Section 5-627
 18 Annotated Code of Maryland
 19 (2002 Volume and 2005 Supplement)

20 BY adding to
 21 Article - Criminal Law
 22 Section 5-627.1
 23 Annotated Code of Maryland
 24 (2002 Volume and 2005 Supplement)

25 BY repealing and reenacting, with amendments,
 26 Article - Education
 27 Section 4-124
 28 Annotated Code of Maryland
 29 (2004 Replacement Volume and 2005 Supplement)

1 BY adding to
2 Article - Housing and Community Development
3 Section 12-502.1
4 Annotated Code of Maryland
5 (2005 Volume)

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

8 **Article - Criminal Law**

9 5-627.

10 (a) A person may not manufacture, distribute, dispense, or possess with intent
11 to distribute a controlled dangerous substance in violation of § 5-602 of this subtitle
12 or conspire to commit any of these crimes:

13 (1) in a school vehicle, as defined under § 11-154 of the Transportation
14 Article; or

15 (2) in, on, or within 1,000 feet of:

16 (I) real property owned by or leased to an elementary school,
17 secondary school, or county board and used for elementary or secondary education;

18 (II) AN AREA IN THE CITY OF ANNAPOLIS DESIGNATED BY THE
19 ANNE ARUNDEL COUNTY BOARD OF EDUCATION AS A SCHOOL BUS STOP; OR

20 (III) A BUILDING IN THE CITY OF ANNAPOLIS THAT HOUSES A HEAD
21 START PROGRAM.

22 (b) Subsection (a) of this section applies whether or not:

23 (1) school was in session at the time of the crime; or

24 (2) the real property was being used for purposes other than school
25 purposes at the time of the crime.

26 (c) (1) A person who violates this section is guilty of a felony and on
27 conviction is subject to:

28 (i) for a first violation, imprisonment not exceeding 20 years or a
29 fine not exceeding \$20,000 or both; or

30 (ii) for each subsequent violation, imprisonment not less than 5
31 years and not exceeding 40 years or a fine not exceeding \$40,000 or both.

32 (2) (i) The court may not suspend the 5-year minimum sentence
33 required by paragraph (1)(ii) of this subsection.

1 (ii) Except as otherwise provided in § 4-305 of the Correctional
2 Services Article, a person sentenced under paragraph (1) (ii) of this subsection is not
3 eligible for parole during this period of the 5-year minimum sentence.

4 (3) A sentence imposed under paragraph (1) of this subsection shall be
5 consecutive to any other sentence imposed.

6 (d) Notwithstanding any other law, a conviction under this section may not
7 merge with a conviction under § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607,
8 § 5-608, § 5-609, § 5-612, § 5-613, or § 5-628 of this subtitle.

9 (e) (1) In a prosecution under this section, a map or certified copy of a map
10 made by a county or municipal unit to depict the location and boundaries of the area
11 within 1,000 feet of A SCHOOL BUS STOP IN THE CITY OF ANNAPOLIS, A BUILDING IN
12 THE CITY OF ANNAPOLIS THAT HOUSES A HEAD START PROGRAM, OR OF real
13 property owned by or leased to an elementary school, secondary school, or county
14 board and used for school purposes is admissible as prima facie evidence of the
15 location and boundaries of the depicted area, if the governing body of the county or
16 municipal corporation approves the map or certified copy of the map as an official
17 record of the location and boundaries of the depicted area.

18 (2) The map or a certified copy of the map shall be filed with the county
19 or municipal corporation, which shall maintain the map or the certified copy of the
20 map as an official record.

21 (3) The governing body of the county or municipal corporation may
22 revise periodically the map or certified copy of the map.

23 (4) This subsection does not preclude the prosecution from introducing
24 other evidence to establish an element of a crime under this section.

25 (5) This subsection does not preclude the use or admissibility of maps or
26 diagrams other than those approved by the county or municipal corporation.

27 5-627.1.

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

29 (B) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR POSSESS
30 WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN
31 VIOLATION OF § 5-602 OF THIS SUBTITLE OR CONSPIRE TO COMMIT ANY OF THESE
32 CRIMES IN, ON, OR WITHIN 1,000 FEET OF A HOUSING PROJECT OF THE HOUSING
33 AUTHORITY OF THE CITY OF ANNAPOLIS.

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

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

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

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

6 (II) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
7 CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER PARAGRAPH (1)
8 (II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING THIS PERIOD OF THE
9 5-YEAR MINIMUM SENTENCE.

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

12 (D) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS
13 SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, § 5-603, § 5-604, §
14 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-628 OF THIS SUBTITLE.

15 (E) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP OR CERTIFIED
16 COPY OF A MAP MADE BY A UNIT OF THE CITY OF ANNAPOLIS TO DEPICT THE
17 LOCATION AND BOUNDARIES OF THE AREA WITHIN 1,000 FEET OF A HOUSING
18 PROJECT OF THE HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS IS ADMISSIBLE
19 AS PRIMA FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF THE DEPICTED
20 AREA, IF THE MAYOR AND CITY COUNCIL OF ANNAPOLIS APPROVE THE MAP OR
21 CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD OF THE LOCATION AND
22 BOUNDARIES OF THE DEPICTED AREA.

23 (2) THE MAP OR A CERTIFIED COPY OF THE MAP SHALL BE FILED WITH
24 THE CITY OF ANNAPOLIS, WHICH SHALL MAINTAIN THE MAP OR THE CERTIFIED
25 COPY OF THE MAP AS AN OFFICIAL RECORD.

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

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

31 (5) THIS SUBSECTION DOES NOT PRECLUDE THE USE OR ADMISSIBILITY
32 OF MAPS OR DIAGRAMS OTHER THAN THOSE APPROVED BY THE MAYOR AND CITY
33 COUNCIL OF ANNAPOLIS.

34 **Article - Education**

35 4-124.

36 (a) A county board may adopt regulations requiring the posting of signs
37 designating the areas within 1,000 feet of public and nonpublic elementary and
38 secondary schools as "drug free school zones".

1 (B) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION MAY ADOPT
2 REGULATIONS REQUIRING THE POSTING OF SIGNS DESIGNATING THE AREAS IN THE
3 CITY OF ANNAPOLIS WITHIN 1,000 FEET OF SCHOOL BUS STOPS AND BUILDINGS THAT
4 HOUSE A HEAD START PROGRAM AS "DRUG FREE SCHOOL ZONES".

5 [(b)] (C) The signs shall be designed in order to provide notice of the
6 provisions of § 5-627 of the Criminal Law Article.

7 [(c)] (D) In Baltimore City AND THE CITY OF ANNAPOLIS, all new and
8 replacement signs shall include a [hotline] TELEPHONE number to report
9 information concerning suspected illegal drug activity.

10 **Article - Housing and Community Development**

11 12-502.1.

12 (A) THE HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS MAY POST SIGNS
13 DESIGNATING THE AREAS WITHIN 1,000 FEET OF HOUSING PROJECTS AS "DRUG FREE
14 ZONES".

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

17 (C) IN THE CITY OF ANNAPOLIS, ALL NEW AND REPLACEMENT SIGNS SHALL
18 INCLUDE A [HOTLINE]TELEPHONE NUMBER TO REPORT INFORMATION
19 CONCERNING SUSPECTED ILLEGAL DRUG ACTIVITY.

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