

(PRE-FILED)

By: ~~Delegates McMillan and V. Clagett~~ Anne Arundel County Delegation

Requested: November 15, 2005

Introduced and read first time: January 11, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 25, 2006

Returned to second reading: March 27, 2006

House action: Adopted with floor amendments

Read second time: March 27, 2006

CHAPTER _____

1 AN ACT concerning

2 **City of Annapolis – Drug Free Zones - Community or Recreation Centers**

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~~ authorizing the Annapolis City Council to designate specific areas as
7 drug free zones; making the felony of manufacturing, dispensing, distributing,
8 or possessing with intent to distribute certain controlled dangerous substances
9 or conspiring to commit these offenses extend to certain drug free zones;
10 providing certain penalties; providing that this Act does not preclude a court
11 from making a certain order; making certain maps admissible as prima facie
12 evidence of the location and boundaries of certain property ~~drug free zones;~~
13 authorizing ~~requiring~~ the Anne Arundel County Board of Education and the
14 Housing Authority of the City of Annapolis ~~City Council~~ to post signs
15 designating certain areas as drug free zones; requiring that the signs contain
16 certain information; and generally relating to drug free zones in the City of
17 Annapolis of creating drug-free zones within a certain distance of community
18 and recreation centers; making the felony of manufacturing, dispensing,
19 distributing, or possessing with intent to distribute certain controlled dangerous
20 substances or conspiring to commit these offenses extend to certain drug-free
21 zones; providing certain penalties; making certain maps admissible as prima
22 facie evidence of the location and boundaries of certain property; authorizing
23 counties and municipal corporations to post signs designating certain areas as
24 drug-free zones; requiring that the signs contain certain information; defining a

1 certain term; and generally relating to drug-free zones around certain
2 community or recreation centers.

3 ~~BY adding to~~

4 Article 24 - Political Subdivisions - Miscellaneous Provisions
5 Section 20-101 to be under the new title "Title 20. Community or Recreation
6 Center Drug-Free Zones"
7 Annotated Code of Maryland
8 (2005 Replacement Volume)

9 ~~BY repealing and reenacting, with amendments,~~

10 ~~Article - Criminal Law~~
11 ~~Section 5-627~~
12 ~~Annotated Code of Maryland~~
13 ~~(2002 Volume and 2005 Supplement)~~

14 ~~BY adding to~~

15 ~~Article - Criminal Law~~
16 ~~Section 5-627.1~~
17 ~~Annotated Code of Maryland~~
18 ~~(2002 Volume and 2005 Supplement)~~

19 ~~BY repealing and reenacting, with amendments,~~

20 ~~Article - Education~~
21 ~~Section 4-124~~
22 ~~Annotated Code of Maryland~~
23 ~~(2004 Replacement Volume and 2005 Supplement)~~

24 ~~BY adding to~~

25 ~~Article - Housing and Community Development~~
26 ~~Section 12-502.1~~
27 ~~Annotated Code of Maryland~~
28 ~~(2005 Volume)~~

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

Article 24 - Political Subdivisions - Miscellaneous Provisions

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.

Article - Criminal Law

~~5-627.~~

~~(a) 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:~~

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

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

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

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

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

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

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

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

~~(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 less than 5 years and not exceeding 40 years or a fine not exceeding \$40,000 or both.~~

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

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

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

8 (d) Notwithstanding any other law, a conviction under this section may not
9 merge with a conviction under § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607,
10 § 5-608, § 5-609, § 5-612, § 5-613, or § 5-628 of this subtitle.

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

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

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

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

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

29 ~~5-627.1.~~

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

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

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

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

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

6 (3) (1) THE COURT MAY NOT SUSPEND THE 5-YEAR MINIMUM
7 SENTENCE REQUIRED BY PARAGRAPH (1)(II) OF THIS SUBSECTION.

8 (4) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
9 CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER PARAGRAPH (1)
10 (II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING THIS PERIOD OF THE
11 5-YEAR MINIMUM SENTENCE.

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

14 (6) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS
15 SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, § 5-603, § 5-604, §
16 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-628 OF THIS SUBTITLE.

17 (7) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP OR CERTIFIED
18 COPY OF A MAP MADE BY A UNIT OF THE CITY OF ANNAPOLIS TO DEPICT THE
19 LOCATION AND BOUNDARIES OF THE AREA WITHIN 1,000 FEET OF A HOUSING
20 PROJECT OF THE HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS IS ADMISSIBLE
21 AS PRIMA FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF THE DEPICTED
22 AREA, IF THE MAYOR AND CITY COUNCIL OF ANNAPOLIS APPROVE THE MAP OR
23 CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD OF THE LOCATION AND
24 BOUNDARIES OF THE DEPICTED AREA.

25 (8) (2) THE MAP OR A CERTIFIED COPY OF THE MAP SHALL BE FILED WITH
26 THE CITY OF ANNAPOLIS, WHICH SHALL MAINTAIN THE MAP OR THE CERTIFIED
27 COPY OF THE MAP AS AN OFFICIAL RECORD.

28 (9) (3) THE MAYOR AND CITY COUNCIL OF ANNAPOLIS MAY REVISE
29 PERIODICALLY THE MAP OR CERTIFIED COPY OF THE MAP.

30 (10) (4) THIS SUBSECTION DOES NOT PRECLUDE THE PROSECUTION FROM
31 INTRODUCING OTHER EVIDENCE TO ESTABLISH AN ELEMENT OF A CRIME UNDER
32 THIS SECTION.

33 (11) (5) THIS SUBSECTION DOES NOT PRECLUDE THE USE OR ADMISSIBILITY
34 OF MAPS OR DIAGRAMS OTHER THAN THOSE APPROVED BY THE MAYOR AND CITY
35 COUNCIL OF ANNAPOLIS.

Article—Education

1
2 4-124.

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

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

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

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

Article—Housing and Community Development

15
16 42-502.1.

17 (A) ~~THE HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS MAY POST SIGNS
18 DESIGNATING THE AREAS WITHIN 1,000 FEET OF HOUSING PROJECTS AS "DRUG-FREE
19 ZONES".~~

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

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

25 5-627.1.

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

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

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 A DRUG-FREE ZONE ESTABLISHED UNDER SUBSECTION (A) OF THIS
33 SECTION.~~

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

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

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

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

8 ~~(II) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE~~
9 ~~CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER PARAGRAPH (1)~~
10 ~~(II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING THE PERIOD OF THE~~
11 ~~5-YEAR MINIMUM SENTENCE.~~

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

14 ~~(D) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS~~
15 ~~SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, § 5-603, § 5-604, §~~
16 ~~5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-628 OF THIS SUBTITLE.~~

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

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

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

29 ~~(4) THIS SUBSECTION DOES NOT PRECLUDE:~~

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

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

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

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

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

4 ~~(G) NOTHING IN THIS SECTION PRECLUDES A COURT FROM ORDERING THE~~
5 ~~EVALUATION OR COMMITMENT OF A DEFENDANT IN ACCORDANCE WITH §§ 8-505~~
6 ~~THROUGH 8-508 OF THE HEALTH GENERAL ARTICLE.~~

7 (A) IN THIS SECTION, "COMMUNITY OR RECREATION CENTER" MEANS A
8 FACILITY THAT:

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

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

13 (B) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR POSSESS
14 WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN
15 VIOLATION OF § 5-602 OF THIS SUBTITLE OR CONSPIRE TO COMMIT ANY OF THESE
16 CRIMES IN, ON, OR WITHIN 1,000 FEET OF A COMMUNITY OR RECREATION CENTER.

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

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

21 (II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT
22 EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING \$40,000 OR BOTH.

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

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

28 (E) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP OR CERTIFIED
29 COPY OF A MAP MADE BY A COUNTY OR MUNICIPAL UNIT TO DEPICT THE LOCATION
30 AND BOUNDARIES OF THE AREA WITHIN 1,000 FEET OF A COMMUNITY OR
31 RECREATION CENTER IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF THE LOCATION
32 AND BOUNDARIES OF THE DEPICTED AREA, IF THE GOVERNING BODY OF THE
33 COUNTY OR MUNICIPAL CORPORATION APPROVES THE MAP OR CERTIFIED COPY OF
34 THE MAP AS AN OFFICIAL RECORD OF THE LOCATION AND BOUNDARIES OF THE
35 DEPICTED AREA.

36 (2) THE MAP OR A CERTIFIED COPY OF THE MAP SHALL BE FILED WITH
37 THE COUNTY OR MUNICIPAL CORPORATION, WHICH SHALL MAINTAIN THE MAP OR
38 THE CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD.

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

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

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

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

12 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2006.