
By: **Senators Britt, Conway, Dyson, Exum, Forehand, Giannetti, Gladden,
Green, Greenip, Grosfeld, Hughes, and Jones**

Introduced and read first time: February 21, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Community and Recreation Centers - Drug-Free Zones**

3 FOR the purpose of creating drug-free zones within a certain distance of community
4 and recreation centers; making the felony of manufacturing, dispensing,
5 distributing, or possessing with intent to distribute certain controlled dangerous
6 substances or conspiring to commit these offenses extend to certain drug-free
7 zones; providing certain penalties; making certain maps admissible as prima
8 facie evidence of the location and boundaries of certain property; authorizing
9 counties and municipal corporations to post signs designating certain areas as
10 drug-free zones; requiring that the signs contain certain information; defining a
11 certain term; and generally relating to drug-free zones around community and
12 recreation centers.

13 BY adding to
14 Article 24 - Political Subdivisions - Miscellaneous Provisions
15 Section 20-101 to be under the new title "Title 20. Community and Recreation
16 Center Drug-Free Zones"
17 Annotated Code of Maryland
18 (2005 Replacement Volume)

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

24 **Preamble**

25 WHEREAS, Drug dealing in public view has a corrosive effect on the quality of
26 life in a neighborhood and on the sense of security of residents in the neighborhood;
27 and

1 WHEREAS, This corrosive impact is exacerbated when the drug dealing occurs
2 near vulnerable populations, such as children and senior citizens; and

3 WHEREAS, Maryland has established drug-free zones around schools to
4 improve public safety, deter criminal activity, and promote children's education; and

5 WHEREAS, For the commission of a drug-related offense occurring inside a
6 drug-free zone, a court may impose a maximum penalty that is significantly greater
7 than what is otherwise allowed; and

8 WHEREAS, Such an expansion of drug-free zones to include areas around
9 community and recreation centers will give prosecutors greater leverage in
10 appropriately prosecuting drug distribution offenses that occur near vulnerable
11 populations; now, therefore,

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

14 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

15 TITLE 20. COMMUNITY AND RECREATION CENTER DRUG-FREE ZONES.
16 20-101.

17 (A) A COUNTY OR MUNICIPAL CORPORATION MAY POST SIGNS DESIGNATING
18 THE AREAS WITHIN 1,000 FEET OF COMMUNITY AND RECREATION CENTERS AS
19 "DRUG FREE ZONES".

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

22 **Article - Criminal Law**

23 5-627.1.

24 (A) IN THIS SECTION, "COMMUNITY AND RECREATION CENTER" MEANS A
25 FACILITY THAT:

26 (1) PROVIDES A BROAD SPECTRUM OF SERVICES FOR THE GENERAL
27 PUBLIC, INCLUDING HEALTH, SOCIAL, NUTRITIONAL, EDUCATIONAL, AND
28 RECREATIONAL SERVICES; AND

29 (2) IS OPERATED BY OR UNDER THE CONTROL OF A COUNTY
30 RECREATION DEPARTMENT OR MUNICIPAL RECREATION DEPARTMENT.

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 COMMUNITY AND RECREATION CENTER.

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

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

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

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

10 (II) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
11 CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER PARAGRAPH (1)
12 (II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING THIS PERIOD OF THE
13 5-YEAR MINIMUM SENTENCE.

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

16 (D) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS
17 SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, § 5-603, § 5-604, §
18 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-628 OF THIS SUBTITLE.

19 (E) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP OR CERTIFIED
20 COPY OF A MAP MADE BY A COUNTY OR MUNICIPAL UNIT TO DEPICT THE LOCATION
21 AND BOUNDARIES OF THE AREA WITHIN 1,000 FEET OF A COMMUNITY AND
22 RECREATION CENTER IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF THE LOCATION
23 AND BOUNDARIES OF THE DEPICTED AREA, IF THE GOVERNING BODY OF THE
24 COUNTY OR MUNICIPAL CORPORATION APPROVES THE MAP OR CERTIFIED COPY OF
25 THE MAP AS AN OFFICIAL RECORD OF THE LOCATION AND BOUNDARIES OF THE
26 DEPICTED AREA.

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

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

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

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

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