

SENATE BILL 940

E1

8lr3306

By: **Senator Astle**

Introduced and read first time: February 22, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **City of Annapolis – Drug-Free Area or City**

3 FOR the purpose of making it a felony to manufacture, distribute, dispense, or possess
4 with intent to distribute certain controlled dangerous substances or conspire to
5 commit these offenses within the City of Annapolis; providing certain penalties;
6 providing for a mandatory minimum sentence for a certain repeat offender;
7 providing that a certain person is not eligible for parole during a certain
8 sentence; requiring a sentence imposed under this Act to be consecutive to any
9 other sentence imposed; prohibiting a conviction imposed under this Act from
10 merging with certain other convictions; making certain maps admissible as
11 prima facie evidence of the location and boundaries of certain property;
12 authorizing the City of Annapolis to adopt regulations requiring the posting of
13 signs designating all the area of the City as a drug-free area or drug-free city;
14 providing for the effective date of this Act; and generally relating to a drug-free
15 area in the City of Annapolis.

16 BY adding to

17 Article 24 – Political Subdivisions – Miscellaneous Provisions
18 Section 22–101 to be under the new title “Title 22. Community Drug-Free
19 Zones”
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2007 Supplement)

22 BY adding to

23 Article – Criminal Law
24 Section 5–627.1
25 Annotated Code of Maryland
26 (2002 Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

2 **TITLE 22. COMMUNITY DRUG-FREE ZONES.**

3 **22-101.**

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

5 (B) **THE CITY OF ANNAPOLIS MAY ADOPT REGULATIONS REQUIRING**
6 **THE POSTING OF SIGNS DESIGNATING ALL OF THE AREA WITHIN THE CITY AS A**
7 **“DRUG-FREE AREA” OR “DRUG-FREE CITY”.**

8 (C) **THE SIGNS SHALL BE DESIGNED TO PROVIDE NOTICE OF THE**
9 **PROVISIONS OF § 5-627.1 OF THE CRIMINAL LAW ARTICLE.**

10 **Article – Criminal Law**

11 **5-627.1.**

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

13 (B) **A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR**
14 **POSSESS WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE**
15 **IN VIOLATION OF § 5-602 OF THIS SUBTITLE OR CONSPIRE TO COMMIT ANY OF**
16 **THESE CRIMES WITHIN THE CITY OF ANNAPOLIS.**

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

19 (1) **FOR A FIRST VIOLATION, A FINE NOT EXCEEDING**
20 **\$20,000; OR**

21 (2) **FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT**
22 **FOR NOT LESS THAN 5 YEARS AND A FINE NOT EXCEEDING \$40,000.**

23 (3) (1) **THE COURT MAY NOT SUSPEND THE 5-YEAR MINIMUM**
24 **SENTENCE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.**

25 (3) (2) **EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE**
26 **CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER**
27 **PARAGRAPH (1)(II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING**
28 **THE 5-YEAR MINIMUM SENTENCE.**

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

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

7 **(E) (1) IN A PROSECUTION UNDER THIS SECTION, A CERTIFIED COPY**
8 **OF A MAP MADE BY A UNIT OF THE CITY OF ANNAPOLIS TO DEPICT THE**
9 **LOCATION AND BOUNDARIES OF THE AREA OF THE CITY OF ANNAPOLIS IS**
10 **ADMISSIBLE AS PRIMA FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF**
11 **THE DEPICTED AREA, IF THE MAYOR AND CITY COUNCIL OF ANNAPOLIS**
12 **APPROVE THE CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD OF THE**
13 **LOCATION AND BOUNDARIES OF THE DEPICTED AREA.**

14 **(2) THE CERTIFIED COPY OF THE MAP SHALL BE FILED WITH THE**
15 **CITY OF ANNAPOLIS, WHICH SHALL MAINTAIN THE MAP OR THE CERTIFIED**
16 **COPY OF THE MAP AS AN OFFICIAL RECORD.**

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

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

22 **(5) THIS SUBSECTION DOES NOT PRECLUDE THE USE OR**
23 **ADMISSIBILITY OF MAPS OR DIAGRAMS OTHER THAN THOSE APPROVED BY THE**
24 **MAYOR AND CITY COUNCIL OF ANNAPOLIS.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2008.