

HOUSE BILL 702

E1, R4
HB 1130/08 – JUD

9lr1962

By: **Delegates Impallaria, Boteler, Dwyer, George, Jennings, McDonough, Minnick, Norman, and Stocksdale**

Introduced and read first time: February 9, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances – Manufacturing, Distributing, or**
3 **Dispensing – Revocation of License to Drive**

4 FOR the purpose of requiring the court, if a person is convicted of a certain drug
5 offense relating to manufacturing, distributing, or dispensing certain controlled
6 dangerous substances, to notify the person that the person's license to drive will
7 be revoked and to notify the Motor Vehicle Administration to revoke the
8 person's license to drive; requiring the Administration, on receipt of a certain
9 notice, to revoke the driver's license of a person convicted of a certain drug
10 offense under certain circumstances; providing that a licensee may request a
11 hearing on a revocation under this Act; prohibiting the Administration from
12 reinstating a person's license to drive if the person's license is revoked under
13 certain circumstances; and generally relating to the revocation of a person's
14 license to drive for the commission of a drug offense.

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Law
17 Section 5–602
18 Annotated Code of Maryland
19 (2002 Volume and 2008 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Law
22 Section 5–607
23 Annotated Code of Maryland
24 (2002 Volume and 2008 Supplement)

25 BY adding to
26 Article – Transportation
27 Section 16–206.2 and 16–208(c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2008 Supplement)

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

5 **Article – Criminal Law**

6 5–602.

7 Except as otherwise provided in this title, a person may not:

8 (1) manufacture, distribute, or dispense a controlled dangerous
9 substance; or

10 (2) possess a controlled dangerous substance in sufficient quantity
11 reasonably to indicate under all circumstances an intent to manufacture, distribute, or
12 dispense a controlled dangerous substance.

13 5–607.

14 (a) Except as provided in §§ 5–608 and 5–609 of this subtitle, a person who
15 violates a provision of §§ 5–602 through 5–606 of this subtitle is guilty of a felony and
16 on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
17 \$15,000 or both.

18 (b) (1) A person who has been convicted previously under subsection (a) of
19 this section shall be sentenced to imprisonment for not less than 2 years.

20 (2) The court may not suspend the mandatory minimum sentence to
21 less than 2 years.

22 (3) Except as provided in § 4–305 of the Correctional Services Article,
23 the person is not eligible for parole during the mandatory minimum sentence.

24 (c) (1) **THIS SUBSECTION APPLIES TO A PERSON WHO COMMITS A**
25 **VIOLATION OF § 5–602 OF THIS SUBTITLE WITH RESPECT TO THE FOLLOWING**
26 **CONTROLLED DANGEROUS SUBSTANCES:**

27 (I) **COCAINE;**

28 (II) **ANY MIXTURE CONTAINING A DETECTABLE AMOUNT OF**
29 **COCAINE;**

30 (III) **COCAINE BASE COMMONLY KNOWN AS “CRACK”;**

31 (IV) **HEROIN;**

1 (V) METHAMPHETAMINE; OR

2 (VI) MDMA – ECSTASY.

3 (2) IN ADDITION TO ANY OTHER PENALTY PROVIDED UNDER THIS
4 SUBTITLE, IF A PERSON IS CONVICTED OF A VIOLATION OF § 5-602 OF THIS
5 SUBTITLE, THE COURT SHALL:

6 (I) NOTIFY THE PERSON THAT THE PERSON’S LICENSE TO
7 DRIVE WILL BE REVOKED; AND

8 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION TO
9 REVOKE THE PERSON’S LICENSE TO DRIVE UNDER § 16-206.2 OF THE
10 TRANSPORTATION ARTICLE.

11 Article – Transportation

12 16-206.2.

13 (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS
14 SECTION, ON RECEIPT OF A NOTICE DESCRIBED UNDER § 5-607(C) OF THE
15 CRIMINAL LAW ARTICLE THAT AN INDIVIDUAL LICENSED IN THE STATE HAS
16 BEEN CONVICTED OF A VIOLATION UNDER § 5-602 OF THE CRIMINAL LAW
17 ARTICLE AND THE INDIVIDUAL IS SUBJECT TO THE PENALTY PROVIDED UNDER
18 § 5-607(C) OF THE CRIMINAL LAW ARTICLE, THE ADMINISTRATION SHALL
19 REVOKE THE INDIVIDUAL’S LICENSE TO DRIVE.

20 (B) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS
21 ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A REVOCATION UNDER THIS
22 SECTION.

23 16-208.

24 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
25 ADMINISTRATION MAY NOT REINSTATE A LICENSE TO DRIVE IF THE LICENSE
26 HAS BEEN REVOKED UNDER § 16-206.2 OF THIS SUBTITLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009.