

HOUSE BILL 1080

E1

0lr3260
CF SB 671

By: **Delegates Dwyer, Beidle, Costa, Frush, George, King, Kipke, Love, McConkey, Pena–Melnik, Schuh, and Sophocleus**
Introduced and read first time: February 17, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Drug–Free Zones Pilot Program – Recreation Areas**

3 FOR the purpose of prohibiting a person in Anne Arundel County from manufacturing,
4 distributing, dispensing, or possessing with intent to distribute a controlled
5 dangerous substance in violation of a certain provision, or conspiring to commit
6 the crimes, in a recreation area; establishing certain penalties for a violation of
7 this Act; establishing that a certain mandatory minimum penalty may not be
8 suspended; establishing the ineligibility for parole for a certain person except
9 under certain circumstances; requiring a sentence for a violation of this Act to
10 be consecutive to any other sentence; establishing that a conviction for a
11 violation of this Act may not merge with certain other convictions; authorizing
12 the county to post certain signs; defining a certain term; providing for the
13 termination of this Act; and generally relating to drug free zones in Anne
14 Arundel County.

15 BY adding to

16 Article – Criminal Law
17 Section 5–629
18 Annotated Code of Maryland
19 (2002 Volume and 2009 Supplement)

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

22 **Article – Criminal Law**

23 **5–629.**

24 **(A) IN THIS SECTION, “RECREATION AREA” MEANS PROPERTY THAT IS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (1) OWNED OR OPERATED BY THE STATE OR ANNE ARUNDEL
2 COUNTY; AND

3 (2) MAINTAINED AS A FOREST, PARK, PUBLIC PARKLAND,
4 WILDLAND, OPEN AREA, OR RECREATION AREA.

5 **(B) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

6 **(C) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR**
7 **POSSESS WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE**
8 **IN VIOLATION OF § 5-602 OF THIS SUBTITLE, OR CONSPIRE TO COMMIT ANY OF**
9 **THESE CRIMES, IN A RECREATION AREA.**

10 **(D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
11 **FELONY, AND, ON CONVICTION, IS SUBJECT TO:**

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

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

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

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

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

25 **(E) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION ARISING**
26 **UNDER THIS SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, §**
27 **5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR**
28 **§ 5-628 OF THIS SUBTITLE.**

29 **(F) (1) THE COUNTY MAY POST SIGNS DESIGNATING A RECREATION**
30 **AREA TO BE A “DRUG-FREE ZONE”.**

31 **(2) THE SIGNS SHALL BE DESIGNED TO PROVIDE NOTICE OF THE**
32 **PROVISIONS OF THIS SECTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010. It shall remain effective for a period 3 years and, at the end of
3 September 30, 2013, with no further action required by the General Assembly, this Act
4 shall be abrogated and of no further force and effect.