

SENATE BILL 213

E1
SB 671/10 – JPR

11r0627

By: **Senators Simonaire, Astle, and Reilly**
Introduced and read first time: January 27, 2011
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Drug-Free Zones Pilot Program – Public Parks and**
3 **Recreation Areas**

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

15 BY adding to
16 Article – Criminal Law
17 Section 5–629
18 Annotated Code of Maryland
19 (2002 Volume and 2010 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) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

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



1 **(B) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR**
2 **POSSESS WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE**
3 **IN VIOLATION OF § 5-602 OF THIS SUBTITLE, OR CONSPIRE TO COMMIT ANY OF**
4 **THESE CRIMES, IN A PUBLIC PARK OR RECREATION AREA.**

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

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

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

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

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

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

20 **(D) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION ARISING**
21 **UNDER THIS SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 5-602, §**
22 **5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR**
23 **§ 5-628 OF THIS SUBTITLE.**

24 **(E) (1) THE COUNTY MAY POST SIGNS DESIGNATING A PUBLIC PARK**
25 **OR RECREATION AREA TO BE A “DRUG-FREE ZONE”.**

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011. It shall remain effective for a period of 3 years and, at the end of
30 September 30, 2014, with no further action required by the General Assembly, this Act
31 shall be abrogated and of no further force and effect.