

# HOUSE BILL 34

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6lr1108

(PRE-FILED)

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By: **Delegates Cassilly and Szeliga**

Requested: November 6, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Illegal Distribution of Controlled Dangerous Substance Near**  
3 **Methadone Clinic – Penalties**

4 FOR the purpose of prohibiting a person from illegally manufacturing, distributing,  
5 dispensing, or possessing with intent to distribute a controlled dangerous substance  
6 or conspiring to do so in, on, or within a certain distance of real property owned or  
7 leased by an entity licensed by the Department of Health and Mental Hygiene to  
8 serve as a methadone clinic or to provide opioid maintenance therapy or treatment;  
9 providing for the applicability of this Act; providing penalties for a violation of this  
10 Act; prohibiting a court from suspending a certain minimum sentence; providing that  
11 a certain defendant is not eligible for parole during a certain period; providing that  
12 a sentence imposed under this Act shall be consecutive to any other sentence  
13 imposed; providing that a conviction under this Act may not be merged with certain  
14 other penalties; authorizing a certain map to be admissible as prima facie evidence  
15 in a prosecution under this Act; requiring that a certain map be filed with a certain  
16 county or municipal corporation; authorizing a certain governing body to revise a  
17 certain map; providing that this Act does not prohibit the introduction of certain  
18 other evidence to establish a certain crime; providing that this Act does not prohibit  
19 the use or admissibility of certain other maps or diagrams; and generally relating to  
20 controlled dangerous substances.

21 BY adding to  
22 Article – Criminal Law  
23 Section 5–627.1  
24 Annotated Code of Maryland  
25 (2012 Replacement Volume and 2015 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Criminal Law

## 5-627.1.

(A) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR POSSESS WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-602 OF THIS SUBTITLE OR CONSPIRE TO COMMIT A CRIME INCLUDED IN § 5-602 OF THIS SUBTITLE IN, ON, OR WITHIN 1,000 FEET OF REAL PROPERTY OWNED OR LEASED BY AN ENTITY LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO SERVE AS A METHADONE CLINIC OR TO PROVIDE OPIOID MAINTENANCE THERAPY OR TREATMENT.

(B) SUBSECTION (A) OF THIS SECTION APPLIES WHETHER OR NOT THE REAL PROPERTY WAS OPEN AND PROVIDING SERVICES AT THE TIME OF THE VIOLATION.

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

(I) FOR A FIRST VIOLATION, IMPRISONMENT NOT LESS THAN 5 YEARS AND NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH; OR

(II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT LESS THAN 5 YEARS AND NOT EXCEEDING 30 YEARS OR A FINE NOT EXCEEDING \$30,000 OR BOTH.

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

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

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

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

1           **(E) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP OR CERTIFIED**  
2 **COPY OF A MAP MADE BY A COUNTY OR MUNICIPAL CORPORATION TO DEPICT THE**  
3 **LOCATION AND BOUNDARIES OF THE AREA WITHIN 1,000 FEET OF REAL PROPERTY**  
4 **OWNED BY OR LEASED TO AN ENTITY DESCRIBED IN SUBSECTION (A) OF THIS**  
5 **SECTION IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF THE LOCATION AND**  
6 **BOUNDARIES OF THE DEPICTED AREA IF THE GOVERNING BODY OF THE COUNTY OR**  
7 **MUNICIPAL CORPORATION APPROVES THE MAP OR CERTIFIED COPY OF THE MAP AS**  
8 **AN OFFICIAL RECORD OF THE LOCATION AND BOUNDARIES OF THE DEPICTED AREA.**

9           **(2) THE MAP OR A CERTIFIED COPY OF THE MAP SHALL BE FILED**  
10 **WITH THE COUNTY OR MUNICIPAL CORPORATION, WHICH SHALL MAINTAIN THE MAP**  
11 **OR THE CERTIFIED COPY OF THE MAP AS AN OFFICIAL RECORD.**

12           **(3) THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL**  
13 **CORPORATION MAY REVISE PERIODICALLY THE MAP OR CERTIFIED COPY OF THE**  
14 **MAP.**

15           **(4) THIS SUBSECTION DOES NOT PROHIBIT THE PROSECUTION FROM**  
16 **INTRODUCING OTHER EVIDENCE TO ESTABLISH AN ELEMENT OF A CRIME UNDER**  
17 **THIS SECTION.**

18           **(5) THIS SUBSECTION DOES NOT PROHIBIT THE USE OR**  
19 **ADMISSIBILITY OF MAPS OR DIAGRAMS OTHER THAN THOSE APPROVED BY THE**  
20 **COUNTY OR MUNICIPAL CORPORATION.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2016.