

# SENATE BILL 671

E1

0lr2536  
CF 0lr3260

---

By: **Senator Simonaire**

Introduced and read first time: February 5, 2010

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; defining a certain term; providing  
14 for the termination of this Act; and generally relating to drug free zones in Anne  
15 Arundel County.

16 BY adding to  
17 Article – Criminal Law  
18 Section 5–629  
19 Annotated Code of Maryland  
20 (2002 Volume and 2009 Supplement)

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

23 **Article – Criminal Law**

24 **5–629.**

25 **(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 **THIS PERIOD OF 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, 2010. It shall remain effective for a period 3 years and, at the end of  
30 September 30, 2013, with no further action required by the General Assembly, this Act  
31 shall be abrogated and of no further force and effect.