

287.

~~Except as authorized by this subheading, it is unlawful for any person:~~

~~(e) (1) Any person who violates this section shall, upon conviction, be deemed guilty of a misdemeanor and be sentenced to a term of imprisonment for not more than four (4) years, a fine of not more than twenty five thousand dollars (\$25,000), or both; provided, however, that any such person convicted of a violation of this section involving the use or possession of marihuana shall be punished by a period of imprisonment not to exceed one (1) year or by a fine not to exceed \$1,000.00, or both.~~

~~(2) ANY PERSON CONVICTED OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, A VIOLATION OF ANY OFFENSE UNDER THIS SUBSECTION SHALL BE FINED:~~

~~(I) AT LEAST \$1,000 FOR A FIRST OFFENSE; AND~~

~~(H) AT LEAST \$2,000 FOR A SECOND OR SUBSEQUENT OFFENSE.~~

~~(F) THE COURT MAY NOT SUSPEND THE MINIMUM FINE REQUIRED UNDER SUBSECTION (E) OF THIS SECTION UNLESS IT IS PROVEN THAT THE DEFENDANT IS UNABLE TO PAY THE FINE BECAUSE OF INDIGENCY.~~

~~(G) THE COURT SHALL PAY ALL FINES COLLECTED UNDER THIS SECTION TO THE ASSET FORFEITURE FUND ESTABLISHED UNDER § 298 OF THIS ARTICLE.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article 27 — Crimes and Punishments~~

~~(B) THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO A CONVICTION FOR A CONTROLLED DANGEROUS SUBSTANCE OFFENSE COMMITTED ON OR AFTER JANUARY 1, 1991.~~

~~(C) IF AN INDIVIDUAL IS CONVICTED OF A CONTROLLED DANGEROUS SUBSTANCE OFFENSE, THE COURT SHALL DETERMINE AT TIME OF SENTENCING WHETHER THE INDIVIDUAL HOLDS A LICENSE AND, IF SO, SHALL OBTAIN THE LICENSING INFORMATION.~~

~~(C) IF AN INDIVIDUAL HOLDS A LICENSE, THE COURT AT TIME OF SENTENCING SHALL MAKE A PRIMA FACIE FINDING OF FACT AS TO WHETHER THERE IS A RELATIONSHIP BETWEEN THE CONVICTION AND THE LICENSE, INCLUDING:~~

~~(1) THE INDIVIDUAL'S ABILITY TO PERFORM THE TASKS AUTHORIZED BY THE LICENSE; AND~~

~~(2) WHETHER THE PUBLIC WILL BE PROTECTED IF THE~~