

INDIVIDUAL CONTINUES TO PERFORM THE TASKS AUTHORIZED BY THE LICENSE:

~~(D) (1) IF THE COURT MAKES A PRIMA FACIE FINDING OF FACT THAT THERE IS A RELATIONSHIP BETWEEN THE CONVICTION AND THE LICENSE UNDER SUBSECTION (B) OF THIS SECTION, THE COURT SHALL:~~

(D) (1) THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO AN INDIVIDUAL WHO IS CONVICTED OF A CONTROLLED DANGEROUS SUBSTANCE OFFENSE AND DOES NOT HAVE A PRIOR CONVICTION OR PROBATION BEFORE JUDGMENT FOR A CONTROLLED DANGEROUS SUBSTANCE OFFENSE COMMITTED ON OR AFTER JANUARY 1, 1991.

(2) IF THE 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:

(I) THE INDIVIDUAL'S ABILITY TO PERFORM THE TASKS AUTHORIZED BY THE LICENSE;

(II) WHETHER THE PUBLIC WILL BE PROTECTED IF THE INDIVIDUAL CONTINUES TO PERFORM THE TASKS AUTHORIZED BY THE LICENSE;

(III) WHETHER THE NATURE AND CIRCUMSTANCES OF THE CONTROLLED DANGEROUS SUBSTANCE OFFENSE WARRANT REFERRAL TO THE LICENSING AUTHORITY; AND

(IV) ANY OTHER FACTS THAT THE COURT DEEMS RELEVANT.

(3) IF THE COURT MAKES A PRIMA FACIE FINDING OF FACT THAT THERE IS A RELATIONSHIP BETWEEN THE CONVICTION AND THE LICENSE, THE COURT SHALL FOLLOW THE PROCEDURES ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.

(E) (1) THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO A CONVICTION FOR A CONTROLLED DANGEROUS SUBSTANCE OFFENSE IF:

(I) 1. THE INDIVIDUAL HAS NO PRIOR CONVICTIONS OR PROBATIONS BEFORE JUDGMENT FOR A CONTROLLED DANGEROUS SUBSTANCE OFFENSE COMMITTED ON OR AFTER JANUARY 1, 1991; AND

2. THE COURT MAKES A PRIMA FACIE FINDING OF FACT THAT THERE IS A RELATIONSHIP BETWEEN THE CONVICTION AND THE LICENSE UNDER SUBSECTION (C) OF THIS SECTION; OR

(II) THE INDIVIDUAL HAS ONE OR MORE PRIOR CONVICTIONS OR PROBATIONS BEFORE JUDGMENT FOR A CONTROLLED DANGEROUS SUBSTANCE OFFENSE COMMITTED ON OR AFTER JANUARY 1, 1991.