

298. *Enforcement, Burden of Proof and Liabilities, etc.:*

(a) *Burden of Proof:* It shall not be necessary for the State to negate any exemption, proviso or exception set forth in this subheading in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this subheading, and the burden of proof of any such exemption, proviso or exception shall be upon the person claiming its benefit. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this subheading, he shall be presumed not to be the holder of such registration or form, and the burden of proof shall be upon him to rebut such presumption.

(b) *Liabilities of Officers:* No criminal liability shall be imposed by virtue of this subheading upon any duly authorized officer of the United States, this State or any political subdivision of this State engaged in the enforcement or prosecution of this subheading, who shall be engaged in the enforcement of any law or municipal ordinance relating to controlled dangerous substances. **EVERY SUCH PUBLIC OFFICIAL MAY TEMPORARILY POSSESS CONTROLLED DANGEROUS SUBSTANCES OR CONTROLLED PARAPHERNALIA INCIDENTAL TO THE DISCHARGE OF HIS OFFICIAL DUTIES.**

(c) *Immunity for Witnesses:* No person shall, upon pain of contempt of court, refuse to testify concerning any violations of the provisions of this subheading because his testimony might tend to incriminate him or implicate him in such violations and every such person shall be a competent witness and compellable to testify against any person who may have committed any of the offenses set forth under this subheading, provided that any person so compelled to testify on behalf of the State in any such case shall be exempt from prosecution, trial and punishment for any and all such crimes and offenses about which such person was so compelled to testify.

(d) *Notice of Conviction:* Upon the conviction of any person for a violation of any provision of this subheading, a copy of the judgment and sentence and of the opinion of the court, if any opinion be filed, shall be sent by the clerk of the court to the board, officer or agency, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. Any such board, officer or agency may revoke or suspend such license or registration or so reprimand any such person so convicted. A duplicate copy of the judgment and sentence and opinion, if any opinion be filed, shall be sent to the Department. Provided, however, that this subsection shall not apply to conditional discharge for first offenders so defined in Section 292 of this subheading.

(e) *Standard Governing Arrest, Search and Seizure:* Notwithstanding any other provision of law to the contrary, any violation of any provision of this subheading, shall be deemed to be a felony for purposes of arrest, search and seizure regardless of whether a defendant is subsequently charged with or convicted of a violation which amounts only to a misdemeanor.

(f) *Evidence:* Notwithstanding any provision of law to the contrary, at any hearing relating to bail or sentencing arising out of