

(4) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

~~(d) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has served three separate terms of confinement as a result of three separate convictions:~~

~~(i) under subsection (a) of this section or § 5-608 of this subtitle;~~

~~(ii) of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;~~

~~(iii) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or~~

~~(iv) of any combination of these crimes.~~

~~(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~(E) A PERSON WHO VIOLATES A PROVISION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE WITH RESPECT TO METHAMPHETAMINE SHALL BE LIABLE FOR ALL COSTS OF CLEANING UP OR REMEDIATING LABORATORIES OR OTHER FACILITIES OPERATED FOR THE ILLEGAL MANUFACTURE OF METHAMPHETAMINE.~~

5-610.

(A) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW A PERSON WHO IS CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER § 5-602, § 5-603, § 5-604, § 5-605, OR § 5-606 OF THIS SUBTITLE MAY BE ORDERED BY THE COURT TO PAY RESTITUTION FOR ACTUAL COSTS REASONABLY INCURRED IN CLEANING UP OR REMEDIATING LABORATORIES OR OTHER FACILITIES OPERATED FOR THE ILLEGAL MANUFACTURE OF A CONTROLLED DANGEROUS SUBSTANCE.

(B) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT IS A MINOR, THE COURT MAY ORDER THE MINOR, THE MINOR'S PARENT, OR BOTH TO PAY THE RESTITUTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.

Approved May 2, 2006.