

sentenced to imprisonment for not less than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has been convicted once:

- (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; or
- (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 the mandatory minimum sentence to less than 10 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.

(4) A PERSON CONVICTED UNDER SUBSECTION (A) OF THIS SECTION IS NOT PROHIBITED FROM PARTICIPATING IN A DRUG TREATMENT PROGRAM UNDER § 8-507 OF THE HEALTH - GENERAL ARTICLE BECAUSE OF THE LENGTH OF THE SENTENCE.

#### Article - Health - General

8-505.

(a) (1) Before or during a criminal trial or ~~prior to~~ BEFORE sentencing, the court may order the Department, ~~THROUGH ITS LOCAL DESIGNEE~~, to evaluate a defendant to determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may benefit from treatment if:

- (i) It appears to the court that the defendant has an alcohol or drug abuse problem; or
- (ii) The defendant alleges an alcohol or drug dependency.

(2) ~~The~~ A court shall set and may change the conditions under which ~~the~~ AN examination is to be conducted UNDER THIS SECTION.

(3) ~~AN EVALUATION UNDER THIS SECTION SHALL BE CONDUCTED BY THE LOCAL DESIGNEE OF THE DEPARTMENT~~ THE DEPARTMENT SHALL ENSURE THAT EACH EVALUATION UNDER THIS SECTION IS CONDUCTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(b) Except in a capital case, on consideration of the nature of the charge, the court:

- (1) May require or permit an examination to be conducted on an outpatient basis; and