

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction under subsection (a) of this section, § 5-608 of this subtitle, or § 5-614 of this subtitle; and

(ii) if the convictions do not arise from a single incident, has been convicted twice:

1. under subsection (a) of this section or § 5-608 of this subtitle;

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

3. 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

4. of any combination of these crimes.

(2) ~~¶~~The court may not suspend any part of the mandatory minimum sentence of 25 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 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~~¶ IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH~~ if the person previously has served three separate terms of confinement as a result of three separate convictions:

~~¶(i) (1)~~ under subsection (a) of this section or § 5-608 of this subtitle;

~~¶(ii) (2)~~ of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;

~~¶(iii) (3)~~ 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