

(2) Neither the sentence required under paragraph (1) of this subsection nor any part of it may be suspended, and the person may not be eligible for parole except in accordance with Article 31B, § 11 of the Code.

(3) A separate occasion shall be considered one in which the second or succeeding offense is committed after there has been a charging document filed for the preceding offense.

(e) (1) [Any person who has served 3 separate terms of confinement in a correctional institution as a result of 3 separate convictions under subsection (b)(1) or subsection (b)(2) of this section or of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section or any combination of these offenses shall be sentenced, on being convicted a fourth time] A PERSON WHO IS CONVICTED under subsection (b)(1) or subsection (b)(2) of this section or of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section [or any combination of these offenses] SHALL BE SENTENCED to imprisonment for the term allowed by law, but in any event, not less than 40 years IF THE PERSON PREVIOUSLY HAS SERVED 3 SEPARATE TERMS OF CONFINEMENT AS A RESULT OF 3 SEPARATE CONVICTIONS:

(I) UNDER SUBSECTION (B)(1) OR SUBSECTION (B)(2) OF THIS SECTION;

(II) OF CONSPIRACY TO VIOLATE SUBSECTION (B)(1) OR SUBSECTION (B)(2) OF THIS SECTION;

(III) OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR THE UNITED STATES THAT WOULD BE A VIOLATION OF SUBSECTION (B)(1) OR SUBSECTION (B)(2) OF THIS SECTION IF COMMITTED IN THIS STATE; OR

(IV) OF ANY COMBINATION OF THESE OFFENSES.

(2) Neither the sentence required under paragraph (1) of this subsection nor any part of it may be suspended, and the person may not be eligible for parole except in accordance with Article 31B, § 11 of the Code.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

May 24, 1991

The Honorable Thomas V. Mike Miller  
President of the Senate  
State House  
Annapolis, Maryland 21401

Dear Mr. President: