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By: **Delegates Boschert and Vallario**  
Introduced and read first time: February 21, 2002  
Assigned to: Rules and Executive Nominations  
Re-referred to: Judiciary, February 25, 2002

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 22, 2002

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CHAPTER 420

1 AN ACT concerning

2                                   **Alcohol- or Drug-Related Offenses - Probation Before Judgment -**  
3                                   **Prohibitions**

4 FOR the purpose of prohibiting a court from staying a judgment for certain alcohol-  
5 or drug-related offenses and placing a defendant on certain probation if, within  
6 a certain period of time, the defendant has been convicted of, or placed on  
7 certain probation for, certain alcohol- or drug-related offenses; and generally  
8 relating to a prohibition against staying a judgment for certain alcohol- or  
9 drug-related offenses under certain circumstances.

10 BY repealing and reenacting, without amendments,  
11 Article - Criminal Law  
12 Section 2-503(a), 2-504(a), 2-505(a), 2-506(a), and 3-211(c)(1), (d)(1), (e)(1), and  
13 (f)(2)  
14 Annotated Code of Maryland  
15 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
16 2002)

17 BY repealing and reenacting, with amendments,  
18 Article - Criminal Procedure  
19 Section 6-220(d)(1)  
20 Annotated Code of Maryland  
21 (2001 Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Criminal Law**

2 2-503.

3 (a) A person may not cause the death of another as a result of the person's  
4 negligently driving, operating, or controlling a motor vehicle or vessel while:

5 (1) under the influence of alcohol; or

6 (2) under the influence of alcohol per se.

7 2-504.

8 (a) A person may not cause the death of another as a result of the person's  
9 negligently driving, operating, or controlling a motor vehicle or vessel while impaired  
10 by alcohol.

11 2-505.

12 (a) A person may not cause the death of another person as a result of the  
13 person's negligently driving, operating, or controlling a motor vehicle or vessel while  
14 the person is so far impaired by a drug, a combination of drugs, or a combination of  
15 one or more drugs and alcohol that the person cannot drive, operate, or control a  
16 motor vehicle or vessel safely.

17 2-506.

18 (a) A person may not cause the death of another as a result of the person's  
19 negligently driving, operating, or controlling a motor vehicle or vessel while the  
20 person is impaired by a controlled dangerous substance, as defined in § 5-101 of this  
21 article.

22 3-211.

23 (c) (1) A person may not cause a life-threatening injury to another as a  
24 result of the person's negligently driving, operating, or controlling of a motor vehicle  
25 or vessel while the person is:

26 (i) under the influence of alcohol; or

27 (ii) under the influence of alcohol per se.

28 (d) (1) A person may not cause a life-threatening injury to another as a  
29 result of the person's negligently driving, operating, or controlling a motor vehicle or  
30 vessel while the person is impaired by alcohol.31 (e) (1) A person may not cause a life-threatening injury to another as a  
32 result of the person's negligently driving, operating, or controlling a motor vehicle or  
33 vessel while the person is so far impaired by a drug, a combination of drugs, or a  
34 combination of one or more drugs and alcohol that the person cannot drive, operate, or  
35 control a motor vehicle or vessel safely.

1 (f) (2) A person may not cause a life-threatening injury to another as a  
2 result of the person's negligently driving, operating, or controlling a motor vehicle or  
3 vessel while the person is impaired by a controlled dangerous substance as defined in  
4 § 5-101 of this article.

5

**Article - Criminal Procedure**

6 6-220.

7 (d) Notwithstanding subsections (b) and (c) of this section, a court may not  
8 stay the entering of judgment and place a defendant on probation for:

9 (1) a violation of § 21-902 of the Transportation Article OR § 2-503, §  
10 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, if within the  
11 preceding 5 years the defendant has been convicted under § 21-902 OF THE  
12 TRANSPORTATION ARTICLE OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE  
13 CRIMINAL LAW ARTICLE, or has been placed on probation [under that section] IN  
14 ACCORDANCE WITH THIS SECTION, after being charged with a violation of § 21-902 of  
15 the Transportation Article OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE  
16 CRIMINAL LAW ARTICLE;

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2002.