

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 213 (Senator Jennings)  
Judicial Proceedings

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**Drunk Driving - Mandatory Participation in Educational Program**

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This bill specifies that, in addition to any other penalties provided for specified alcohol-related driving offenses, a person who is convicted of, or granted probation before judgment for, these offenses must attend the one-day Drinking Driver Monitor Program offered by the R. Adams Cowley Shock Trauma Center at the University of Maryland Medical System (UMMS).

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**Fiscal Summary**

**State Effect:** It is anticipated that the Judiciary and the Motor Vehicle Administration (MVA) can handle the bill's requirements with existing resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol per se; or
- impaired by alcohol.

With a conviction for an alcohol- and/or drug-related driving offense, a violator is subject to a range of penalties involving fines and imprisonment, suspension or revocation of the

driver's license by MVA, or participation in the Ignition Interlock System Program in lieu of a license suspension or revocation. A person convicted of driving under the influence of alcohol, under the influence of alcohol per se, or while impaired by a controlled dangerous substance is subject to fines ranging from \$1,000 to \$3,000 and/or a maximum imprisonment term of one to three years. A repeat conviction within five years requires a mandatory minimum penalty of imprisonment from 5 to 10 days or community service from 30 to 60 days, as well as a mandatory alcohol or drug abuse assessment.

A conviction for lesser-included offenses subjects the violator to a fine of up to \$500 and/or imprisonment for up to two months. However, for a repeat offender the maximum prison term increases to one year. If an offender is transporting a minor at the time of the alcohol- and/or drug-related driving offense, fines and sanctions increase beyond those already specified for lesser-included offenses.

**Background:** In fiscal 2013, a total of 64,876 citations were filed in the District Court for alcohol and/or drug-related driving offenses under § 21-902 of the Transportation Article. Of those, 36,524 citations were for driving while under the influence of alcohol or under the influence of alcohol per se and 22,467 were for driving while impaired by alcohol.

The District Court processed 3,279 guilty dispositions for driving under the influence of alcohol or under the influence of alcohol per se in fiscal 2013. During that same period, 3,170 dispositions were processed for driving while impaired by alcohol. A total of 9,974 probation before judgment dispositions occurred during the same period for all alcohol- and/or drug-related driving offenses under § 21-902 of the Transportation Article.

**Additional Comments:** UMMS, a not-for-profit hospital and medical center, advises that there is a fee of \$150 for the one-day course referenced in the bill. *For illustrative purposes only*, if all drivers with guilty dispositions for driving under the influence of alcohol, under the influence of alcohol per se, and while impaired by alcohol took the one-day course, and about 75% of those drivers receiving probation before judgment dispositions under § 21-902 of the Transportation Article were also required to take the course, revenues for UMMS could increase by as much as \$1.6 million in fiscal 2015 and by as much as \$2.1 million on an annual basis.

UMMS also advises that revenues will be offset by expenditures for additional staff and other related expenses to handle the increased participation.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, University of Maryland Medical System, Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2014  
ncs/ljm

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