

**SB0312/522219/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 312  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Drunk” insert “Vehicle Laws –”; strike line 3 in its entirety; in line 5, after “of” insert “increasing certain penalties for drunk and drugged driving offenses for individuals who have been convicted previously for certain other crimes under certain circumstances;”; strike beginning with “providing” in line 6 down through “driving” in line 20; and strike beginning with “offense” in line 22 down through “term” in line 23 and substitute “requiring a certain notice”.

On page 2, after line 7, insert:

“BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 4–302(d)(1)(i)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)”;

strike in their entirety lines 8 through 12, inclusive; and strike in their entirety lines 28 through 33, inclusive.

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 25 on page 3 through line 9 on page 5, inclusive, and substitute:

“4–302.

(Over)

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(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or”;

and in line 16, strike “3.” and substitute “2.”.

On page 6, after line 11, insert:

“(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF § 21-902(B) OR (C) OF THIS ARTICLE WHO HAS THREE OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OF ANY PROVISION OF § 21-902 OF THIS ARTICLE IS SUBJECT TO THE PENALTIES PROVIDED UNDER § 27-116 OF THIS TITLE.”;

and after line 35, insert:

“(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF § 21-902(A) OR (D) OF THIS ARTICLE WHO HAS THREE OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OF ANY PROVISION OF § 21-902 OF THIS ARTICLE IS SUBJECT TO THE PENALTIES PROVIDED UNDER § 27-116 OF THIS TITLE.”.

On page 7, after line 24, insert:

“(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF § 21-902(A)(3), (B)(2), (C)(3), OR (D)(2) OF THIS ARTICLE WHO HAS THREE OR MORE PRIOR

CONVICTIONS UNDER § 21-902 OF THIS ARTICLE IS SUBJECT TO THE PENALTIES PROVIDED UNDER § 27-116 OF THIS TITLE.”;

in lines 32 and 33, strike “A PERSON MAY NOT VIOLATE” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON CONVICTED OF A VIOLATION OF”; and in line 33, after “ARTICLE” insert “IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH”.

On page 8, strike in their entirety lines 10 through 12, inclusive, and substitute:

“(C) A COURT MAY NOT IMPOSE AN ADDITIONAL PENALTY UNDER THIS SUBSECTION UNLESS THE STATE’S ATTORNEY SERVES NOTICE OF THE ALLEGED PRIOR CONVICTIONS ON THE DEFENDANT OR THE DEFENDANT’S COUNSEL BEFORE THE EARLIER OF:

(1) ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDERE;  
OR

(2) AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN THE DISTRICT COURT.”;

and in line 13, strike “4.” and substitute “3.”.

On pages 8 through 11, strike in their entirety the lines beginning with line 17 on page 8 through line 30 on page 11, inclusive.

On page 11, in line 31, strike “A PERSON MAY NOT VIOLATE” and substitute “NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF ANY PROVISION OF”; and in line 32, after “SECTION” insert “IS SUBJECT TO”.

(Over)

**IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH**.

On page 12, in line 1, after "VIOLATIONS" insert "OF ANY PROVISION"; in line 8, strike "PARAGRAPH (1) OF"; and strike in their entirety lines 10 through 12, inclusive, and substitute:

**"(3) A COURT MAY NOT IMPOSE AN ADDITIONAL PENALTY UNDER THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE OF THE ALLEGED PRIOR CONVICTIONS ON THE DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE EARLIER OF:**

**(I) ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDERE; OR**

**(II) AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN THE DISTRICT COURT."**

**AMENDMENT NO. 3**

On page 6 in lines 2, 5, 9, 24, 26, and 31, and on page 7 in lines 11, 19, and 21, in each instance, strike the bracket.

On page 6 in lines 5, 9, 26, and 31, and on page 7 in line 21, in each instance, strike "**THIRD**".

**AMENDMENT NO. 4**

On page 12, strike in their entirety lines 13 through 15, inclusive; in line 16, strike "6." and substitute "4."; in lines 16, 18, and 19, in each instance, strike "4" and substitute "3"; in line 20, strike "3" and substitute "2"; in line 22, strike "7." and substitute "5."; and in line 23, strike "6" and substitute "4".