

# HOUSE BILL 1151

R3

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By: **Delegates Ciliberti, McKay, Vogt, and Wivell**

Introduced and read first time: February 9, 2017

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Habitual Drunk Drivers – Mandatory Minimum Penalty**

3 FOR the purpose of altering a certain mandatory minimum penalty for a third or  
4 subsequent offense of driving under the influence of alcohol or under the influence of  
5 alcohol per se; providing for the effective date of certain provisions of this Act; and  
6 generally relating to penalties for habitual drunk drivers.

7 BY repealing and reenacting, without amendments,

8 Article – Transportation

9 Section 21–902(a)

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Transportation

14 Section 27–101(j)(2)(i)

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2016 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Transportation

19 Section 21–902(f)(2)(ii)

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2016 Supplement)

22 (As enacted by Chapter \_\_\_ (S.B. 165) of the Acts of the General Assembly of 2017)

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

25 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-902.

2 (a) (1) A person may not drive or attempt to drive any vehicle while under the  
3 influence of alcohol.

4 (2) A person may not drive or attempt to drive any vehicle while the person  
5 is under the influence of alcohol per se.

6 (3) A person may not violate paragraph (1) or (2) of this subsection while  
7 transporting a minor.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
9 as follows:

10 **Article – Transportation**

11 27-101.

12 (j) (2) (ii) A person who is convicted of a third or subsequent offense under  
13 § 21-902(a) of this article within **[5] 10** years **AFTER A PRIOR CONVICTION UNDER THAT**  
14 **SUBSECTION** is subject to a mandatory minimum penalty of imprisonment for not less than  
15 **[10 days] 1 YEAR.**

16 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
17 as follows:

18 **Article – Transportation**

19 21-902.

20 (f) (2) (ii) A person who is convicted of a third or subsequent offense under  
21 subsection (a) of this section within **[5] 10** years after a prior conviction under that  
22 subsection is subject to a mandatory minimum penalty of imprisonment for not less than  
23 **[10 days] 1 YEAR.**

24 SECTION 4. AND BE IT FURTHER ENACTED, That, if Section 3 of this Act takes  
25 effect, Section 2 of this Act shall be abrogated and of no further force and effect.

26 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take  
27 effect October 1, 2017, the effective date of Chapter \_\_\_ (S.B. 165) of the Acts of the General  
28 Assembly of 2017. If the effective date of Chapter \_\_\_ (S.B. 165) is amended, Section 3 of  
29 this Act shall take effect on the taking effect of Chapter \_\_\_ (S.B. 165). If Chapter \_\_\_ (S.B.  
30 165) does not take effect, Section 3 of this Act shall be abrogated and of no further force and  
31 effect.

1           SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of  
2 Sections 4 and 5 of this Act, this Act shall take effect October 1, 2017.