

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 711  
Judiciary

(Delegate Ciliberti, *et al.*)

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Driving While Impaired by Alcohol - Transporting a Minor - Penalties

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This bill increases the maximum incarceration penalty for driving while impaired by alcohol while transporting a minor (1) from six months to one year for a first offense and (2) from one year to two years for a second offense.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's penalty provisions. Revenues are not affected.

**Local Effect:** Potential minimal increase in expenditures due to the bill's penalty provisions. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** Under the Transportation Article, 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*;
- impaired by alcohol;
- impaired by a drug, any combination of drugs, or any combination of drugs and alcohol; or
- impaired by a controlled dangerous substance (CDS).

**Exhibit 1** shows the maximum penalties for these offenses.

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**Exhibit 1**  
**Current Maximum Penalties for Alcohol and/or Drug-related Driving Offenses**

**Driving Under the Influence of Alcohol, Under the Influence *Per Se*, or While Impaired by a CDS**

|                             |   |
|-----------------------------|---|
| First Offense               | 1 year imprisonment and/or fine of \$1,000  |
| Second Offense              | 2 years imprisonment and/or fine of \$2,000 |
| Third or Subsequent Offense | 3 years imprisonment and/or fine of \$3,000 |

**Driving Under the Influence of Alcohol, Under the Influence *Per Se*, or While Impaired by a CDS While Transporting a Minor**

|                             |   |
|-----------------------------|---|
| First Offense               | 2 years imprisonment and/or fine of \$2,000 |
| Second Offense              | 3 years imprisonment and/or fine of \$3,000 |
| Third or Subsequent Offense | 4 years imprisonment and/or fine of \$4,000 |

**Driving While Impaired by Alcohol or While Impaired by a Drug, a Combination of Drugs, or a Combination of One or More Drugs and Alcohol**

|                             |   |
|-----------------------------|---|
| First Offense               | 2 months imprisonment and/or fine of \$500  |
| Second Offense              | 1 year imprisonment and/or fine of \$500    |
| Third or Subsequent Offense | 3 years imprisonment and/or fine of \$3,000 |

**Driving While Impaired by Alcohol or While Impaired by a Drug, a Combination of Drugs, or a Combination of One or More Drugs and Alcohol While Transporting a Minor**

|                             |  |
|-----------------------------|--|
| First Offense               | 6 months imprisonment and/or fine of \$1,000 |
| Second Offense              | 1 year imprisonment and/or fine of \$2,000   |
| Third or Subsequent Offense | 4 years imprisonment and/or fine of \$4,000  |

CDS: controlled dangerous substance

Notes: All listed offenses are misdemeanors. Additionally, for the offense of driving under the influence of alcohol, under the influence *per se*, or while impaired by a CDS, a repeat conviction or convictions within five years requires a mandatory minimum penalty of imprisonment from 5 to 10 days or community service from 30 to 60 days, as specified, as well as a mandatory alcohol or drug abuse assessment.

Source: Department of Legislative Services

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In addition to the current maximum penalties noted in Exhibit 1, all of the listed offenses are subject to points assessment by the Motor Vehicle Administration (MVA), which makes the driver subject to either suspension or revocation of the driver's license.

A conviction of driving under the influence of alcohol, under the influence of alcohol *per se*, or driving while impaired by a CDS requires assessment of 12 points against the license by MVA, and the license is subject to revocation. A conviction for driving while impaired by alcohol or impaired by a drug, any combination of drugs, or any combination of drugs and alcohol requires assessment of 8 points against the driver's license by MVA, and the license is subject to suspension. A driver who accumulates 8 or 12 points against his or her driver's license within a two-year period is subject to license suspension or revocation, respectively.

**Background:** According to the Judiciary, in fiscal 2017, there were 257 violations in the District Court and 64 violations in the circuit courts for driving while impaired by alcohol while transporting a minor. (Circuit court violations include jury trials and appeals from cases that originated in the District Court. Therefore, there may be some overlap between the number of District Court and circuit court violations).

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### **Additional Information**

**Prior Introductions:** HB 1105 of 2017, a bill with similar provisions, received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2018  
nb/kdm

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Analysis by: Sasika Subramaniam

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510