

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 910
Judiciary

(Delegate Ciliberti, *et al.*)

Driving While Impaired by Alcohol - Transporting a Minor - Penalties

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.

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.

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.

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

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 calendar 2018, there were 269 violations in the District Court and 49 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.)

Additional Information

Prior Introductions: HB 711 of 2018 received an unfavorable report from the House Judiciary Committee. 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

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