R3 1lr2229

By: Delegate Valentino-Smith

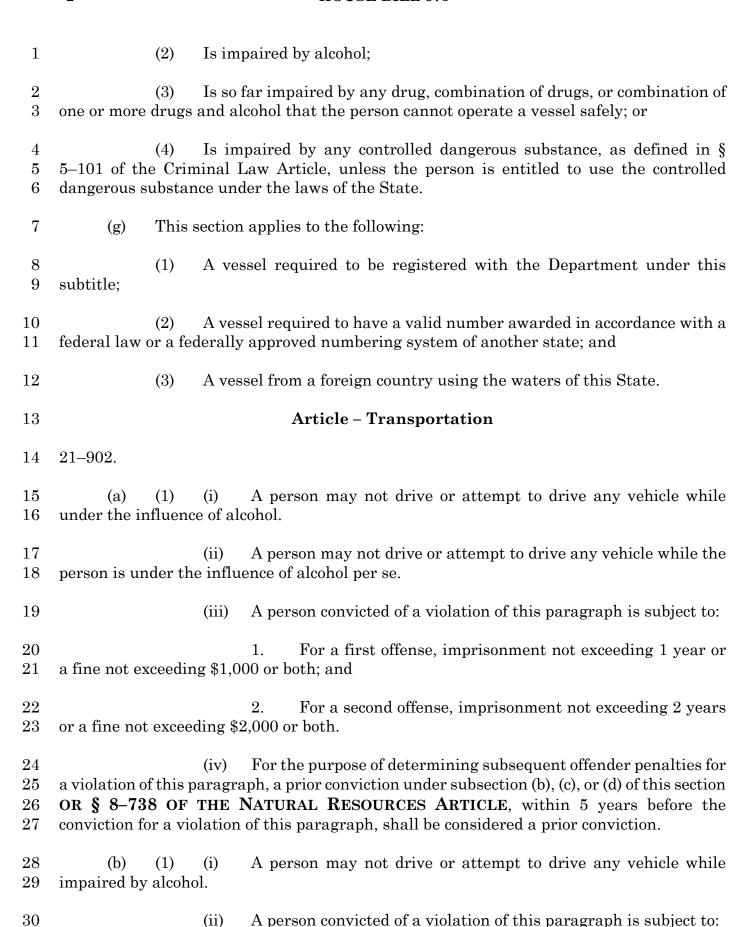
Introduced and read first time: January 26, 2021

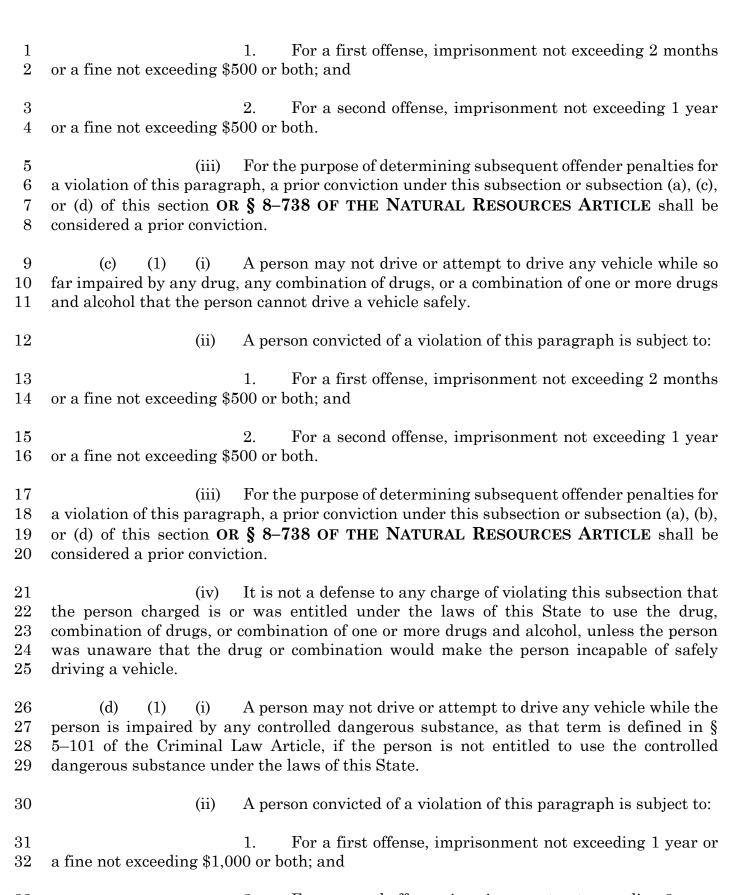
Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning
2 3	Drunk and Drugged Driving – Prior Convictions – Conviction for the Drunk or Drugged Operation of a Vessel
4 5 6 7	FOR the purpose of establishing that certain previous convictions for the drunk or drugged operation of a vessel under certain provisions of law constitute prior convictions for the purpose of determining certain enhanced subsequent offender penalties under State vehicle laws; and generally relating to penalties for drunk and drugged driving.
8 9 10 11 12	BY repealing and reenacting, without amendments, Article – Natural Resources Section 8–738(a) and (g) Annotated Code of Maryland (2012 Replacement Volume and 2020 Supplement)
13 14 15 16 17	BY repealing and reenacting, with amendments, Article – Transportation Section 21–902(a)(1), (b)(1), (c)(1), (d)(1), (e), (h), and (i) Annotated Code of Maryland (2020 Replacement Volume)
18 19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
20	Article - Natural Resources
21	8–738.
22 23	(a) Subject to subsection (g) of this section, a person may not operate or attempt to operate a vessel while the person:
24	(1) Is under the influence of alcohol;







33 2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

- 1 (iii) For the purpose of determining subsequent offender penalties for 2 a violation of this paragraph, a prior conviction under subsection (a), (b), or (c) of this section 3 **OR UNDER § 8–738 OF THE NATURAL RESOURCES ARTICLE**, within 5 years before the 4 conviction for a violation of this paragraph, shall be considered a prior conviction.
- 6 (e) For purposes of the application of subsequent offender penalties under this section, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection (a)(1) or (2), (b)(1) or (2), (c)(1) or (2), or (d)(1) or (2) of this section OR § 8–738 OF THE NATURAL RESOURCES ARTICLE shall be considered a violation of subsection (a)(1) or (2), (b)(1) or (2), (c)(1) or (2), or (d)(1) or (2) of this section OR § 8–738 OF THE NATURAL RESOURCES ARTICLE.
- (h) (1) A person may not violate subsection (a), (b), (c), or (d) of this section if the person previously has been convicted of two violations of any provision of subsection (a), (b), (c), or (d) of this section **OR § 8–738 OF THE NATURAL RESOURCES ARTICLE**.
- 14 (2) For purposes of this subsection, a conviction for a crime under the laws 15 of the United States that would be a crime included in paragraph (1) of this subsection if 16 committed in this State shall be considered a prior conviction under this subsection.
- 17 (3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding 19 \$5,000 or both.
- 20 (i) (1) A person may not violate subsection (a), (b), (c), or (d) of this section if 21 the person previously has been convicted of:
- 22 (i) Three or more violations of any provision of subsection (a), (b), 23 (c), or (d) of this section **OR § 8–738 OF THE NATURAL RESOURCES ARTICLE**; or
- 24 (ii) A violation of § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of 25 the Criminal Law Article.
- 26 (2) For purposes of this subsection, a conviction for a crime under the laws 27 of the United States that would be a crime included in paragraph (1) of this subsection if 28 committed in this State shall be considered a prior conviction under this subsection.
- 29 (3) A person who violates this subsection is guilty of a misdemeanor and 30 on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding 31 \$10,000 or both.
- 32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 33 October 1, 2021.