

SB 87-1-31-24 support.pdf

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Position: FAV



**Bryna Clark-Braverman
MADD Maryland Regional Executive Director
Testimony in Support of Senate Bill 87
Senate Judicial Proceedings Committee
February 1, 2024**

Thank you Mr. Chairman and members of committee for allowing me the opportunity to testify today in support of Senate Bill 87, which is very important to MADD as it shows how serious the state of Maryland takes the violent crime of drunk and drug-impaired driving. My name is Bryna Clark-Braverman and I am Regional Executive Director for the Maryland chapter of Mothers Against Drunk Driving.

MADD thanks Carozza for authoring this proposal. Drunk and drug-impaired driving is a violent crime. SB 87 begins to recognize impaired driving a violent crime and deserves this committee's full support.

For anyone who has not been impacted by a violent crash caused by an impaired driver, it may be surprising to learn that every day in the United States, 37 people are killed and more than 1,000 people are injured just by drunk driving. That does not take into account the horrific crashes caused by other drugs such as cannabis and opioids.

Since 2019, according to the National Highway Traffic Safety Administration, drunk driving deaths have increased 17% resulting in 195 preventable deaths in 2021 in Maryland. Maryland is not alone in historic increases in drunk driving deaths. Throughout the nation, drunk driving deaths are at a historic high.

Lawmakers must take action and recognize that drunk driving and drug-impaired is a serious violent crime. SB 87 accomplishes this goal. The goal of SB 87 is not more incarceration, but rather justice for victim and victim survivors who lost a loved one due to the 100% preventable violent crime of drunk and drug-impaired driving.

Mr. Chairman and members of committee, thank you for allowing me to testify today on behalf of Mothers Against Drunk Driving. We urge your support of SB 87. Thank you.

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Uploaded by: Hassan Giordano

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 1, 2024

The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Support of SB87 – Homicide or Life–Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties

Dear Chairman Smith, Vice-Chairman Waldstreicher and Members of the Committee:

I am writing to express my support for SB87 Homicide or Life–Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties. Any serious injury or death caused by drunk driving is devastating for those affected families. Even worse are those incidents involving individuals who repeatedly get behind the wheel of a car and drive drunk thereby placing our entire community in harm's way time and time again. This bill would enhance our ability to hold accountable those individuals who insist on driving drunk repeatedly and cause life-threatening injuries or death of innocent victims.

According to the National Highway Safety Traffic Administration, in the most recent posted data, 2021, there were 15 members of our community killed as a result of drunk driving here in Baltimore City. Under current law, none of those incidents would be considered a violent crime for purposes of parole eligibility thereby establishing parole eligibility at 25%, which is the same eligibility for property crimes. In other words, for a first offense, should a drunk driver receive a maximum sentence of three (3) years, they become parole eligible at nine (9) months. This reality of how little time is actually served shocks the families of victims for whom our prosecutors must console and counsel through the criminal justice process which is often a re-traumatizing experience.

This bill also will serve to create penalties which are commensurate with the devastation caused by drunk driving resulting in injuries or death. For example, under current law, a criminally negligent homicide by vehicle conviction will result in a maximum penalty of three (3) years. Under this bill, the maximum penalty will be increased to five (5) years and thereby generating a two and a half (2.5) year parole eligibility. This increase is more reflective of the seriousness of injurious or fatal drunk driving accidents.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

For those individuals who insist on repeatedly driving drunk and accumulate related convictions, this bill provides a sentencing enhancement option for our prosecutors that will more adequately address repeat, habitual drunk driving resulting in injury or death. We need look no further than the tragedy involving a drunk driving offender who struck a bicyclist two days after Christmas in 2014 and left him for dead on the side of the road.

The offender's blood alcohol level was almost three times the legal limit. This tragic incident provides a case study in how this bill would aid in increasing the amount of time served before parole eligibility. The early parole eligibility in this case aggravated members of our community. A repeat drunk driver, this offender was released in 2019 (even after having been denied parole several times), much to the understandable outrage of the victim's family who stated:

*"The criminal justice system needs reform all the way around, and this is no exception...the fact that you can strike a man and leave him to die on the side of the road and have it not be categorized as a violent crime — three and a half years is not enough to make amends for that."*¹

We support this piece of legislation and look forward to continuing conversation on this important topic. We thank you for this Committee's consideration in the advancement of Senate Bill 87 this legislative session.

Yours in service,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City

By: Hassan Giordano
Chief, External Affairs

¹ <https://www.baltimoresun.com/2019/05/14/ex-bishop-heather-cook-released-from-prison-after-serving-half-of-sentence-for-fatal-drunken-driving-crash/>

24 legis md jpr vehicular dui homicide.pdf

Uploaded by: Kurt Erickson

Position: FAV

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Kurt Erickson
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WASHINGTON REGIONAL ALCOHOL PROGRAM

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February 1, 2024

Members of the Judicial Proceedings Committee
Maryland Senate
Annapolis, Maryland

Re.: Support of "Homicide or Life-Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties," Senate Bill 87, Senator Carozza (R-Somerset, Worcester & Wicomico Counties), et. al

"Maryland will likely surpass 600 roadway fatalities in 2023, the most the state has seen since 2007."

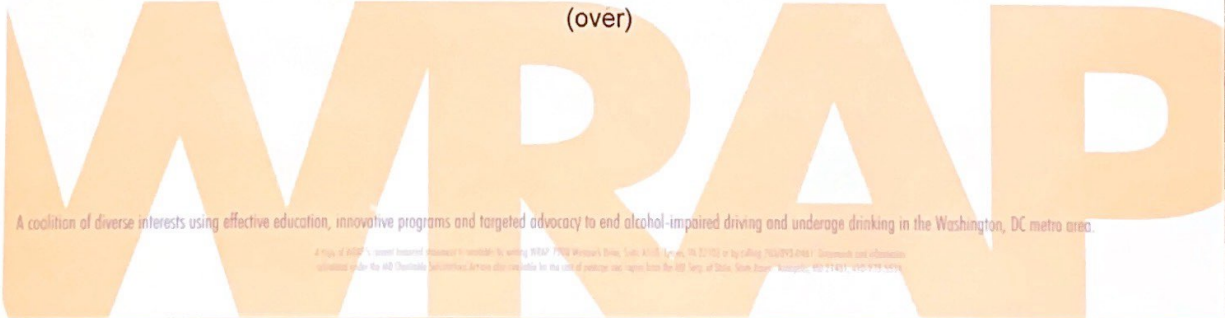
— Maryland Motor Vehicle Administration, "Maryland Motor Vehicle Administration Releases Annual Resolutions to Help Marylanders be Road Ready in 2024," December 28, 2023

Dear Senators:

On behalf of the Maryland nonprofit Washington Regional Alcohol Program's (WRAP) Board of Directors, staff, volunteers and the more than six-million Maryland residents we serve in the fight against drunk driving and underage drinking (including having served as project director of both Maryland's Checkpoint Strikeforce campaign and "Maryland Remembers" ceremony), I wanted to formally communicate to you **WRAP's unequivocal support for Senate Bill 87, "Homicide or Life-Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties,"** Senator Carozza (R-Somerset, Worcester & Wicomico Counties), et. al.

Succinctly, Senate Bill 87 – in addition to newly making the following offenses "violent crimes" (as well as in an effort to counter existing Maryland sentencing guidelines for said offenses which result in ineffectual, remarkably low incarceration sentences -- increases the "maximum periods of imprisonment" for persons convicted of DUI/DWI homicide (2-503 and 2-504) and life-threatening injuries while DUI (3-211).

(over)



A coalition of diverse interests using effective education, innovative programs and targeted advocacy to end alcohol-impaired driving and underage drinking in the Washington, DC metro area.

A copy of WRAP's most recent financial statement is available by writing WRAP, 7900 Westpark Drive, Suite A550, Tysons, VA 22102 or by calling 703.893.0461. Donations and information requested under the 408 Charitable Solicitation Act are also available for the cost of postage and return from the IRS. State Street, Alexandria, VA 22304-2900

As Maryland bore witness to an increasing number of traffic deaths in both 2022 and last year (Maryland Highway Safety Office/MVA) – and that over a quarter of Maryland's roadway fatalities *still* involve drunk drivers (MVA, 2022) – meaningful deterrents and penalties for persons driving negligently and causing either death or serious injury of another are both paramount and overdue.

As a means of better equating sentences with the life-threatening if not lethal crimes, WRAP supports Senate Bill 87 and urges your consideration of favorably reporting said legislation.

□□□□□

Thank you, in advance, for your consideration. I may be directly reached with any questions at either 703-893-0461 or at kurt@wrap.org.

Cordially,



Kurt Gregory Erickson
President

Wicomico SB 87 - Support.pdf

Uploaded by: Lauren Bourdon

Position: FAV



JAMIE L. DYKES
STATE'S ATTORNEY

Date: February 1, 2024
Bill: SB 87
Position: Favorable

I distinctly remember my first encounter with grief. I was about 12 or 13 years old and a very dear friend of mine was killed coming home from soccer practice by a multiple time DUI offender who was driving drunk. He was sentenced to a mere 3 years of prison for extinguishing my friend's life, and erasing her potential from this world.

I remember, even at that age, asking my mom why her life wasn't worth more?

Now, more than twenty years later, I find myself on the other side of the horrific conversation.

I have the privilege of prosecuting some of Wicomico County's most violent offenses, including the motor vehicle fatal crashes. But the only time I have ever had a victim ask me why their loved one's life was not worth more was in relation to manslaughter by motor vehicle cases.

You see, these cases are a great equalizer. They show no prejudice in that you or your loved one may find yourself a victim regardless of your gender, race, creed, religion, or how "good of a life you live." And with Maryland law, as we sit today, you and your loved one's life is worth the equivalent of about 2 years.

As what happened in my last case shows, you or your loved one can be driving home in a perfectly illuminated vehicle, driving at the correct speed limit, coming home from work when you are struck from behind by someone driving 100 mph, by a person too thoughtless, careless and reckless to open the app on his phone to order himself an Uber.

The only way to protect the public, including yourself, myself, and our loved ones, is to reduce the number of drunk drivers on the road. The way we reduce the number of drunk drivers on the road is by deterrence.

A sentence that permits release on parole after two years is not deterrence.

We are at a crossroads, where now I am asking you – what is an innocent victim’s life worth?

If we are all honest with ourselves, two years simply is not enough.

By giving the courts more time to utilize at sentencing, you are also allowing the court to have more leeway for the important work of rehabilitation, to help ensure continued safety on our streets.

Public safety doesn’t sit solely on the shoulder of police officers, prosecutors, and judges. Today, this important question sits with you.

I am asking you, personally and on behalf of the Office of the State’s Attorney for Wicomico County, to please support enhanced penalties so that we can do the important work of making our streets safer, and so that the next time I have to sit across the table from an innocent victim’s family, I don’t have to answer the terrible question: why wasn’t their life worth more?

Thank you

Lauren N. Bourdon, Esq.
Senior Assistant State’s Attorney
Office of the State’s Attorney for Wicomico County

MSAA SB 87.pdf

Uploaded by: Patrick Gilbert

Position: FAV



Maryland State's Attorneys' Association

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Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 1, 2024

BILL NUMBER: SB 87

POSITION: Support

The Maryland State's Attorney's Association (MSAA) supports SB 87 and, in addition to oral testimony, submits this chart summarizing the penalty increases provided for in the bill.

Offense	Statute	1st Offense Maximum (in years) Current/Proposed		Subsequent Offense Max. (in years) Current/Proposed	
Gross Negligence Homicide by MV	CL § 2-209	10	/ 10	15	/ 15
Criminal Negligence Homicide by MV	CL § 2-210	3	/ 5	5	/ 10
Homicide by MV Under the Influence	CL § 2-503	5	/ 10	10	/ 15
Homicide by MV Impaired	CL § 2-504	3	/ 5	5	/ 10
Homicide by MV Alcohol/Drugs	CL § 2-505	5	/ 10	10	/ 15
Homicide by MV CDS	CL § 2-506	5	/ 10	10	/ 15
Life-threat Injury Under the Influence	CL § 3-211(c)	3	/ 3	5	/ 10
Life-threat. Injury Impaired	CL § 3-211(d)	2	/ 2	5	/ 8
Life-threat. Injury Alcohol/Drugs	CL § 3-211(e)	2	/ 3	5	/ 10
Life-threat. Injury CDS	CL § 3-211(f)	3	/ 3	5	/ 10
Life-threat. Injury Criminal Negligence	CL 3-212.1	1	/ 1	1	/ 5

SB 87 - Carozza Testimony_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 1, 2024

The Senate Judicial Proceedings Committee
SB 87 Homicide or Life-Threatening Injury by Motor Vehicle or Vessel
– Parole Eligibility and Penalties
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Smith, Vice Chair Waldstreicher, and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 87 – Homicide or Life-Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties.

Once we left Annapolis after the 90-day session, like you, I spent the rest of 2023 listening to my constituents and working with them to develop creative solutions to their concerns. This past year, I especially focused on public safety initiatives, with input from local constituencies – leaders from our schools, churches, community organizations, businesses, law enforcement and local state’s attorneys, to introduce a bipartisan package of bills addressing violent crime and juvenile crime. Through this process, I also focused on another public safety priority – increasing driver accountability when their criminally irresponsible conduct leaves others dead or permanently injured.

I heard stories, some of which you’re going to hear today, some of which you’ve heard during your consideration of Jamari’s Law last week, about sentences that offend many, especially victims and their families, that utterly fail to capture the impact of these offenses. I heard stories about individuals who, despite being sentenced to years in prison, are released on parole after mere months.

Many Marylanders are astonished to learn that a repeat drunk driver who gets behind the wheel while impaired and kills someone faces a maximum sentence of five years. Even more astonishing, that same individual, even if they receive the maximum, could be released on parole after having only served fifteen months. Fifteen months for a repeat drunk driver that stole someone from their family, from their community, from our state.

Senate Bill 87 makes three significant improvements for driver accountability for those who have been convicted of driving crimes causing life-threatening injuries or death.

First, it provides that violations of Wade's Law (conviction of criminally-negligent driving causing life-threatening injuries) will qualify a defendant for subsequent offender penalties if they continue to drive in a criminally-irresponsible manner and cause the death or serious injury of another. Currently, a driver who has previously violated Wade's Law and continues to drive in a criminally-negligent manner, going on to kill someone, will be treated as a first offender by that statute, and only subject to the penalties that a first offender is subject to despite having already engaged in similar conduct. Senate Bill 87 increases accountability by adding a subsequent offender penalty and recognizes that perpetrators should not get a pass simply because their criminally-negligent conduct did not kill someone the first time.

Second, Senate Bill 87 provides for modest increases in sentences, primarily for subsequent offenders. You should have in your packets a chart prepared by the Maryland State's Attorney's Association that summarizes these long-overdue increases. Subsequent offender penalties exist to deter individuals from continuing to engage in the same criminal conduct and to protect the public from those individuals. Right now, a driver who kills someone with criminal negligence and then, after they have been released from their sentence, does the exact same thing again, killing a second person, is subject to a five-year maximum sentence. This penalty is offensive to victims and wholly inadequate to protect the public from someone who has demonstrated, by their conduct, that they are incapable of following the law and driving safely.

Finally, Senate Bill 87 provides that the criminal driving offenses which result in death or serious physical injury – the most serious offenses one can commit while driving short of intentional murder – will be treated as violent crimes for parole purposes. As the law currently stands, defendants serving sentences for these offenses can be considered for parole after having served only one-quarter of their sentence.

The violent, life-ending and life-altering consequences of this conduct should not be treated more leniently simply because perpetrators use a car instead of a knife or a gun, and it is absurd that they are treated more leniently than offenses like burglary of a storehouse, which is violent only in the most abstract sense. Senate Bill 87 would require individuals to serve half of their sentence for these crimes before they can be considered for release on parole, an outcome that fits the severity of this conduct.

These offenses, by definition, permanently alter the lives of victims. Mr. Chair and Vice Chair, I respectfully urge the Senate Judicial Proceedings Committee for a favorable report on Senate Bill 87. Thank you for your kind attention and consideration.

SB0087 Opposition.pdf

Uploaded by: Anne Kirsch

Position: UNF



PREPARE
PREpare for PARole and REentry

Anne Bocchini Kirsch
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SBoo87 - Homicide or Life-Threatening Injury by Motor Vehicle or Vessel - Parole Eligibility and Penalties - OPPOSITION

In Fiscal Year 2022, the Maryland Parole Commission heard 5,922 cases. Only 959 people were released on parole during that same time period.¹ Our parole commission reduced its grant rate by 66% between 2019 and 2022.² That is the fourth largest grant reduction among the 26 states that publish parole grant data. This is evidence of an extremely conservative Parole Commission and there is no reason for the Legislature to restrict its discretion.

Any case involving loss of life already requires an escalated administrative process with the Parole Commission that involves victim notification and a hearing involving two of the ten appointed Parole Commissioners. These additional steps ensure that full consideration is given to the victim's family and the case is thoroughly investigated and reviewed before the Commissioners render a decision. In my experience, many of these cases are heard later than their target hearing date due to the additional administrative processes and the outcome is usually rehearing or refusal.

While it serves little purpose other than restricting the Parole Commission from doing something it rarely if ever does anyway, SBoo87 would create a significant burden in training, system update and ongoing management for Parole, Case Management, Commitment and other departments. Most parole eligibility is calculated simply under CS 7-301 and is handled consistently with the good conduct credit diminution rate, but in the past other specific charges have been given special restrictions, often due to emotional reactions to a specific case or set of cases. These include certain drug charges, burglary, and suspended life sentences, all of which make excellent case studies for the negative impact of special charge treatment in bureaucratic systems that require efficiency to operate smoothly.

¹ Maryland Parole Commission, Fiscal Year 2022 Annual Report, page 12,
https://dlslibrary.state.md.us/publications/Exec/DPSCS/MPC/COR7-208_2022.pdf

² Prison Policy Initiative, No Release: Parole grant rates have plummeted in most states since the pandemic started,
<https://www.prisonpolicy.org/blog/2023/10/16/parole-grants/>

PREPARE
PO Box 9738 Towson, MD 21284

In my experience, I have occasionally seen improperly scheduled hearings and incorrectly calculated mandatory release dates, sometimes resulting in an individual being turned back from the gate as their family awaits them in the parking lot on the day they were told they could go home. More frequently, I see a case that bounces from department to department as error is introduced into the system and the case gets stuck in the crack. This results in extra work for DPSCS as each department works diligently to unravel the problem and fulfill its mandate, utilization of the Administrative Remedy Process, and even engagement of the Court.

If we want Maryland to run smoothly, each piece of our government, including the Parole Commission, must be empowered to perform its important work. Commissioners are appointed by the Governor and confirmed by the Senate, and we must trust them to do their jobs. Micromanagement through legislation such as SBO087 serves little purpose other than to create confusion and administrative problems, and I urge you to vote against it.

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Uploaded by: Dylan Behler

Position: INFO



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 1, 2024

BILL NUMBER: Senate Bill 87 - First Reader

SHORT TITLE: Homicide or Life-Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties

DEPARTMENT’S POSITION: LETTER OF INFORMATION W/AMENDMENTS

EXPLANATION OF DEPARTMENT’S POSITION

Senate Bill 87 categorizes several crimes associated with homicide or causing life threatening injury to another while operating a motor vehicle or vessel under the influence of drugs, alcohol, or a combination of drugs and alcohol as violent crimes. Senate Bill 87 also adds violations of CL § 3–212.1 to the list of criminal and transportation article statutes which trigger subsequent offender penalties laws, which the bill also increases. The Department offers for consideration an amendment which would add NR § 8-738, appropriately including violations involving operating a vessel while under the influence of drugs, alcohol, or a combination of drugs and alcohol, to the list of crimes that would cause subsequent offender penalties to be applied.

BACKGROUND INFORMATION

The Maryland Natural Resources Police charged 164 persons with operating a vessel while intoxicated in 2021, 141 people in 2022, and 134 people in 2023.

BILL EXPLANATION

This bill categorizes new crimes under the definition of violent crime. Included in these crimes are several which involve the commission of homicide or causing life threatening injury while operating a vehicle or vessel while under the influence of drugs, alcohol, or a combination of drugs and alcohol. The bill also establishes increased penalties for subsequent offenders.

Contact: Dylan Behler, Director, Legislative and Constituent Services
dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

BY:

(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 87

(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in lines 25 and 32, on page 4, in lines 26 and 33, on page 5, in lines 16 and 23, on page 6, in lines 6, 13, 27, and 34, on page 7, in lines 15 and 22, on page 8, in lines 21 and 34, on page 9, in lines 15 and 31, and on page 10, in line 2, in each instance, after “article,” strike “or”; in the same lines, in each instance, after “Article,” insert “OR § 8-738 OF THE NATURAL RESOURCES ARTICLE,”; on page 10, in lines 26 and 34, in each instance, strike the second “OR”; and on page 10, in line 27, and on page 11, in line 1, in each instance, after “ARTICLE,” insert “OR § 8-738 OF THE NATURAL RESOURCES ARTICLE,”.