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**By: Delegates Perry, M. Burns, Menes, and Petzold**

Introduced and read first time: February 1, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody and Visitation - Consideration of Drunk or Drugged Driving Records**

3 FOR the purpose of requiring judges to consider certain driving records of parties to a  
4 child custody or visitation proceeding; and generally relating to child custody or  
5 visitation proceedings.

6 BY repealing and reenacting, with amendments,  
7 Article - Family Law  
8 Section 9-101.1  
9 Annotated Code of Maryland  
10 (1991 Replacement Volume and 1995 Supplement)

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

13 **Article - Family Law**

14 9-101.1.

15 (a) (1) In this section, "abuse" has the meaning stated in § 4-501 of this article.

16 [(b)] (2) In a custody or visitation proceeding, the court shall consider, when  
17 deciding custody or visitation issues, evidence of abuse by a party against:

18 [(1)] (I) the other parent of the party's child;

19 [(2)] (II) the party's spouse; or

20 [(3)] (III) any child residing within the party's household, including a child  
21 other than the child who is the subject of the custody or visitation proceeding.

22 [(c)] (B) If the court finds that a party has committed abuse against the other  
23 parent of the party's child, the party's spouse, or any child residing within the party's  
24 household, the court shall make arrangements for custody or visitation that best protect:

25 (1) the child who is the subject of the proceeding; and

26 (2) the victim of the abuse.

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1 (C) (1) IN A CUSTODY OR VISITATION PROCEEDING, THE COURT SHALL  
2 CONSIDER, AS A FACTOR BEARING ON THE WELFARE AND BEST INTERESTS OF THE  
3 CHILD, THE DRUNK OR DRUGGED DRIVING RECORDS OF A PARTY.

4 (2) EVIDENCE OF DRUNK OR DRUGGED DRIVING BY A PARTY TO A  
5 CUSTODY OR VISITATION PROCEEDING SHALL INCLUDE RECORDS OF:

6 (I) A HOMICIDE BY A MOTOR VEHICLE WHILE INTOXICATED, AS  
7 DEFINED IN § 388A OF ARTICLE 27 OF THE CODE;

8 (II) A CONVICTION FOR DRIVING WHILE INTOXICATED AS  
9 DEFINED BY § 21-902(A) OF THE TRANSPORTATION ARTICLE;

10 (III) A CONVICTION FOR DRIVING WHILE UNDER THE INFLUENCE  
11 OF ALCOHOL, AS DEFINED BY § 21-902(B) OF THE TRANSPORTATION ARTICLE;

12 (IV) A CONVICTION FOR DRIVING WHILE UNDER THE INFLUENCE  
13 OF DRUGS OR DRUGS AND ALCOHOL, AS DEFINED BY § 21-902(C) OF THE  
14 TRANSPORTATION ARTICLE; OR

15 (V) A CONVICTION FOR DRIVING WHILE UNDER THE INFLUENCE  
16 OF A CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED BY § 21-902(D) OF THE  
17 TRANSPORTATION ARTICLE.

18 (3) IN A CUSTODY OR VISITATION PROCEEDING, WHERE BOTH PARTIES  
19 HAVE A DRUNK OR DRUGGED DRIVING RECORD, THE COURT SHALL CONSIDER AS  
20 A FACTOR BEARING ON THE WELFARE AND BEST INTERESTS OF THE CHILD:

21 (I) THE LENGTH OF SOBRIETY OF EACH PARTY; OR

22 (II) THE RECORD OF ATTENDANCE AT COUNSELING SESSIONS BY  
23 EACH PARTY.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1996.