

HOUSE BILL 1195

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R3
HB 547/97 - JUD

1998 Regular Session
8r0097

By: **Delegates Genn, Owings, Montague, Grosfeld, Perry, Preis, Bissett,
Menes, Turner, Doory, E. Burns, Dembrow, O'Donnell, Hutchins, T.
Murphy, Harkins, Valderrama, Clagett, Rudolph, Poole, Miller, Love,
Hecht, Morhaim, Shriver, Pitkin, Comeau, and Conroy**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk and Drugged Driving - Penalties**

3 FOR the purpose of increasing the penalty that may be imposed on a person who is
4 convicted of a second or subsequent offense of driving while under the influence
5 of any drug, combination of drugs, or combination of one or more drugs and
6 alcohol or of driving while under the influence of a controlled dangerous
7 substance; making stylistic changes; providing that convictions for certain
8 alcohol- or drug-related driving offenses shall be considered prior convictions
9 for the purpose of certain subsequent offender penalties for certain alcohol- or
10 drug-related driving offenses; and generally relating to penalties for drunk and
11 drugged driving.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 27-101(c)(23), (24), and (25) and (f)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1997 Supplement)

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

19 **Article - Transportation**

20 27-101.

21 (c) Any person who is convicted of a violation of any of the provisions of the
22 following sections of this article is subject to a fine of not more than \$500 or
23 imprisonment for not more than 2 months or both:

24 (23) Except as provided in [subsection (q)] SUBSECTIONS (F) AND (Q) of
25 this section, § 21-902(b) ("Driving while under the influence of alcohol");

1 (24) Except as provided in [subsection (q)] SUBSECTIONS (F) AND (Q) of
2 this section, § 21-902(c) ("Driving while under influence of drugs or drugs and
3 alcohol");

4 (25) Except as provided in [subsection (q)] SUBSECTIONS (F) AND (Q) of
5 this section, § 21-902(d) ("Driving while under influence of controlled dangerous
6 substance"); or

7 (f) (1) Any person who is convicted of a violation of any of the provisions of
8 § 14-103 of this article ("Possession of motor vehicle master key"), or of a second or
9 subsequent violation of any of the provisions of § 16-101 of this article ("Drivers must
10 be licensed") or, except as provided in subsection (q) of this section, § 21-902(b) [of
11 this article] ("Driving while under the influence of alcohol"), § 21-902(C) ("DRIVING
12 WHILE UNDER THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL"), OR § 21-902(D)
13 ("DRIVING WHILE UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS
14 SUBSTANCE") OF THIS ARTICLE is subject to a fine of not more than \$500 or
15 imprisonment for not more than 1 year or both.

16 (2) Except as provided in subsection (q) of this section, for the purpose of
17 second or subsequent offender penalties for a violation of § 21-902(b) of this article
18 provided under PARAGRAPH (1) OF this subsection, a prior conviction of § 21-902(a),
19 (B), (C), OR (D) of this article [{"Driving while intoxicated"}] shall be considered a
20 conviction of § 21-902(b) of this article.

21 (3) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION, FOR
22 THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES FOR A
23 VIOLATION OF § 21-902(C) OF THIS ARTICLE PROVIDED UNDER PARAGRAPH (1) OF
24 THIS SUBSECTION, A PRIOR CONVICTION OF § 21-902(A), (B), (C), OR (D) OF THIS
25 ARTICLE SHALL BE CONSIDERED A CONVICTION OF § 21-902(C) OF THIS ARTICLE.

26 (4) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION, FOR
27 THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES FOR A
28 VIOLATION OF § 21-902(D) OF THIS ARTICLE PROVIDED UNDER PARAGRAPH (1) OF
29 THIS SUBSECTION, A PRIOR CONVICTION OF § 21-902 (A), (B), (C), OR (D) SHALL BE
30 CONSIDERED A CONVICTION OF § 21-902(D) OF THIS ARTICLE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1998.