

HOUSE BILL 584

Unofficial Copy
R3

1999 Regular Session
(9r1641)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Grosfeld and ~~Zirkin~~, Zirkin, and K. Kelly**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

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 penalties for a second or subsequent violation of certain offenses
12 relating to driving a motor vehicle while under the influence of drugs or drugs
13 and alcohol, or while under the influence of controlled dangerous substances;
14 establishing that a prior conviction of certain offenses relating to driving a motor
15 vehicle while intoxicated or while under the influence of alcohol, drugs or drugs
16 and alcohol, or controlled dangerous substances are considered convictions for
17 the purposes of certain second or subsequent offender penalties for certain

1 violations relating to driving while under the influence of alcohol, drugs or drugs
 2 and alcohol, or controlled dangerous substances; and generally relating to
 3 penalties for certain offenses relating to driving a motor vehicle while intoxicated
 4 or while under the influence of alcohol, drugs or drugs and alcohol, or controlled
 5 dangerous substances.

6 BY repealing and reenacting, with amendments,
 7 Article - Transportation
 8 Section 27-101(c)(23), (24), and (25) and (f)
 9 Annotated Code of Maryland
 10 (1998 Replacement Volume and 1998 Supplement)

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

13 **Article - Transportation**

14 27-101.

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

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

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

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

26 (f) (1) [Any person who is convicted of a violation of any of the provisions of
 27 § 14-103 of this article ("Possession of motor vehicle master key"), or of a second or
 28 subsequent violation of any of the provisions of § 16-101 of this article ("Drivers must
 29 be licensed") or, except as provided in subsection (q) of this section, § 21-902(b) of
 30 this article ("Driving while under the influence of alcohol"), § 21-902(C) ("DRIVING
 31 WHILE UNDER THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL"), OR § 21-902(D)
 32 ("DRIVING WHILE UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS
 33 SUBSTANCE") OF THIS ARTICLE is subject to a fine of not more than \$500 or
 34 imprisonment for not more than 1 year or both.] A PERSON IS SUBJECT TO A FINE
 35 NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH, IF THE
 36 PERSON IS CONVICTED OF:

37 (1) A VIOLATION OF § 14-103 OF THIS ARTICLE ("POSSESSION OF
 38 MOTOR VEHICLE MASTER KEY"); OR

- 1 (II) A SECOND OR SUBSEQUENT VIOLATION OF:
- 2 1. § 16-101 OF THIS ARTICLE ("DRIVERS MUST BE
- 3 LICENSED"); OR
- 4 2. EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS
- 5 SECTION:
- 6 A. § 21-902(B) OF THIS ARTICLE ("DRIVING WHILE UNDER
- 7 THE INFLUENCE OF ALCOHOL");
- 8 B. § 21-902(C) OF THIS ARTICLE ("DRIVING WHILE UNDER
- 9 THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL"); OR
- 10 C. § 21-902(D) OF THIS ARTICLE ("DRIVING WHILE UNDER
- 11 THE INFLUENCE OF CONTROLLED DANGEROUS SUBSTANCE").

12 (2) Except as provided in subsection (q) of this section, for the purpose of

13 second or subsequent offender penalties for a violation of § 21-902(b) of this article

14 provided under PARAGRAPH (1) OF this subsection, a prior conviction of § 21-902(a),

15 ~~(B), (C), OR (D)~~ of this article [~~("Driving while intoxicated")~~] shall be considered a §

16 21-902(C), OR § 21-902(D) OF THIS ARTICLE shall be considered a conviction of §

17 21-902(b) of this article.

18 (3) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION, FOR

19 THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES FOR A

20 VIOLATION OF § 21-902(C) OF THIS ARTICLE PROVIDED UNDER PARAGRAPH (1) OF

21 THIS SUBSECTION, A PRIOR CONVICTION OF § 21-902(A), ~~(B), (C), OR (D)~~ § 21-902(B), OR

22 § 21-902(D) OF THIS ARTICLE SHALL BE CONSIDERED A CONVICTION OF § 21-902(C) OF

23 THIS ARTICLE.

24 (4) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION, FOR

25 THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES FOR A

26 VIOLATION OF § 21-902(D) OF THIS ARTICLE PROVIDED UNDER PARAGRAPH (1) OF

27 THIS SUBSECTION, A PRIOR CONVICTION OF § 21-902 (A), ~~(B), (C), OR (D)~~ § 21-902(B), OR

28 § 21-902(C) OF THIS ARTICLE SHALL BE CONSIDERED A CONVICTION OF § 21-902(D) OF

29 THIS ARTICLE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

31 October 1, 1999.

