
By: **Delegates Grosfeld and ~~Zirkin~~, Zirkin, and K. Kelly**

Introduced and read first time: February 11, 1999

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 1999

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.

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 (1998 Replacement Volume and 1998 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:

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

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

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

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

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

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

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1999.

