

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 525

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Ruben” and substitute “Ruben, Conway, Currie, DeGrange, Harris, Hoffman, Hogan, Hooper, Kelley, Teitelbaum, Colburn, Ferguson, and Mooney”.

AMENDMENT NO. 2

On page 1, in line 4, strike the first “of”; in lines 4 and 5, strike “alcohol-or drug-related driving offenses” and substitute “offenses of driving while intoxicated or intoxicated per se”; strike beginning with “altering” in line 5 down through “offenders” in line 13 and substitute “requiring the Administration to return a suspended license to a certain individual subject to the maintenance of an ignition interlock system for a certain period on certain vehicles owned by the individual; authorizing the Administration to place a certain restriction on a certain license for a certain period that prohibits driving of a certain vehicle that is not equipped with an ignition interlock system under certain circumstances; prohibiting the cancellation or modification of a certain license suspension that would adversely affect the employment of a licensee under certain circumstances; increasing certain minimum mandatory penalties for subsequent offenses of driving while intoxicated or intoxicated per se under certain circumstances; requiring a subsequent offender of certain offenses to receive an assessment of the offender’s degree of abuse of alcohol and to receive appropriate treatment under certain circumstances; and generally relating to penalties for repeat or subsequent offenses of driving while intoxicated or intoxicated per se”.

AMENDMENT NO. 3

On page 1, after line 13, insert:

“BY repealing and reenacting, with amendments,

Article - Transportation

Section 16-205

Annotated Code of Maryland

(Over)

(1999 Replacement Volume and 2000 Supplement)

(As enacted by Chapter 666 of the Acts of the General Assembly of 2000)”;

and in line 16, strike “16-205(d) and (e), 16-208(b), 16-404 , 16-405 ,” and substitute “16-405”.

AMENDMENT NO. 4

On pages 1 through 7, strike in their entirety the lines beginning with line 22 on page 1 through line 22 on page 7, inclusive, and substitute:

“16-205.

(a) The Administration may revoke the license of any person who:

(1) Is convicted under § 21-902(a) or (d) of this article of driving or attempting to drive a motor vehicle while intoxicated, while intoxicated per se, or while under the influence of a controlled dangerous substance; or

(2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

(i) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while intoxicated or while intoxicated per se;

(ii) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol;

(iii) § 21-902(c) of this article of driving or attempting to drive a motor vehicle while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or

(iv) § 21-902(d) of this article of driving or attempting to drive a motor vehicle while under the influence of a controlled dangerous substance.

(b) The Administration:

(1) Shall revoke the license of any person who has been convicted, under Article 27, § 388A of the Code, of homicide by a motor vehicle while intoxicated or under the influence of alcohol, drugs, or a controlled dangerous substance; and

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

(C) THE ADMINISTRATION SHALL SUSPEND FOR 12 MONTHS THE LICENSE OF AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD.

[(c)] (D) The Administration may suspend for not more than 60 days the license of any person who is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

[(d)] (E) The Administration may suspend for not more than 120 days the license of any person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely and who was previously convicted of a violation under:

(1) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while intoxicated or while intoxicated per se;

(2) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol;

(3) § 21-902(c) of this article of driving or attempting to drive a motor vehicle

(Over)

while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely; or

(4) § 21-902(d) of this article of driving or attempting to drive a motor vehicle while under the influence of a controlled dangerous substance.

[(e)](F) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN A SUSPENSION IMPOSED UNDER SUBSECTION (C) OF THIS SECTION EXPIRES, THE ADMINISTRATION SHALL IMMEDIATELY RETURN THE LICENSE OF THE INDIVIDUAL SUBJECT TO THE INDIVIDUAL'S MAINTENANCE OF AN IGNITION INTERLOCK SYSTEM FOR NOT LESS THAN 12 MONTHS ON EACH VEHICLE OWNED BY THE PERSON.

(II) IF MAINTENANCE OF AN IGNITION INTERLOCK SYSTEM ON A VEHICLE AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH CREATES A FINANCIAL HARDSHIP ON THE INDIVIDUAL OR THE FAMILY OF THE INDIVIDUAL AS DETERMINED BY THE ADMINISTRATION, THE ADMINISTRATION MAY PLACE A RESTRICTION ON THE LICENSE OF THE INDIVIDUAL FOR NOT LESS THAN 12 MONTHS THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(2) When a suspension imposed under subsections [(c)] (D) and [(d)] (E) of this section expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.

16-405.

(a) Except FOR A SUSPENSION UNDER § 16-205(C) OF THIS TITLE AND EXCEPT as provided in § 16-205.1 of this title, if the suspension or revocation of a license would affect adversely the employment or opportunity for employment of a licensee, the hearing officer may:

(1) Decline to order the suspension or revocation; or

(2) Cancel or modify the suspension or revocation.

(b) For purposes of § 16-404 of this subtitle, if a licensee is required to drive a motor vehicle in the course of his regular employment:

(1) Suspension requires 16 points; and

(2) Revocation requires 19 points.

(c) The provisions of subsection (b) of this section do not apply to an individual whose current accumulation of points includes points resulting from a conviction for a violation of § 21-902 of this article.

27-101.

(j) (1) In this subsection, “imprisonment” includes confinement in [an]:

(I) AN inpatient rehabilitation or treatment center; OR

(II) HOME DETENTION THAT INCLUDES ELECTRONIC MONITORING.

(2) A person who is convicted of a violation of § 21-902(a) of this article within [3] 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of:

(i) Imprisonment for not less than [48 consecutive hours] 5 DAYS; or

(ii) Community service for not less than [80 hours] 30 DAYS.

(3) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM

(Over)

PENALTY OF:

(I) IMPRISONMENT FOR NOT LESS THAN 10 DAYS; OR

(II) COMMUNITY SERVICE FOR NOT LESS THAN 60 DAYS.

(4) A PERSON WHO IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN 5 YEARS OF A PRIOR CONVICTION UNDER THAT SUBSECTION SHALL:

(I) RECEIVE AN ASSESSMENT OF THE PERSON'S DEGREE OF ABUSE OF ALCOHOL; AND

(II) IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT, RECEIVE APPROPRIATE ALCOHOL TREATMENT.

(5) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.”.