
By: **Delegate Giannetti**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Driving While Intoxicated or Intoxicated Per Se - Penalties**

3 FOR the purpose of increasing the penalties for driving while intoxicated or
4 intoxicated per se when a person has a certain alcohol concentration; clarifying
5 that the increased penalties established under this Act supplant penalties for
6 transporting a minor while driving while intoxicated or intoxicated per se when
7 a person has a certain alcohol concentration; and generally relating to penalties
8 for driving while intoxicated or intoxicated per se when a person has a certain
9 alcohol concentration.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 27-101(k) and (q)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

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

17 **Article - Transportation**

18 27-101.

19 (k) (1) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION AND
20 subsection (q) of this section, any person who is convicted of a violation of any of the
21 provisions of § 21-902(a) of this article ("Driving while intoxicated or intoxicated per
22 se"):

23 (i) For a first offense, shall be subject to a fine of not more than
24 \$1,000, or imprisonment for not more than 1 year, or both;

25 (ii) For a second offense, shall be subject to a fine of not more than
26 \$2,000, or imprisonment for not more than 2 years, or both; and

27 (iii) For a third or subsequent offense, shall be subject to a fine of
28 not more than \$3,000, or imprisonment for not more than 3 years, or both.

1 (2) For the purpose of second or subsequent offender penalties for
2 violation of § 21-902(a) of this article provided under this subsection, a prior
3 conviction of § 21-902(b), (c), or (d) of this article, within 5 years of the conviction for
4 a violation of § 21-902(a) of this article, shall be considered a conviction of § 21-902(a)
5 of this article.

6 (3) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF ANY OF THE
7 PROVISIONS OF § 21-902(A) OF THIS ARTICLE ("DRIVING WHILE INTOXICATED OR
8 INTOXICATED PER SE") AND WHO AT THE TIME OF TESTING HAD AN ALCOHOL
9 CONCENTRATION OF 0.20 OR MORE SHALL BE SUBJECT TO A FINE OF NOT MORE
10 THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

11 (q) (1) [Any] UNLESS PENALTIES UNDER SUBSECTION (K)(3) OF THIS
12 SECTION ARE APPLICABLE, ANY person who is convicted of a violation of § 21-902(a)
13 of this article and who, at the time of the offense, was transporting a minor is subject
14 to:

15 (i) For a first offense, a fine of not more than \$2,000 or
16 imprisonment for not more than 2 years or both;

17 (ii) For a second offense, a fine of not more than \$3,000 or
18 imprisonment for not more than 3 years or both; and

19 (iii) For a third or subsequent offense, a fine of not more than \$4,000
20 or imprisonment for not more than 4 years or both.

21 (2) Any person who is convicted of a violation of § 21-902(b), § 21-902(c),
22 or § 21-902(d) of this article and who, at the time of the offense, was transporting a
23 minor is subject to:

24 (i) For a first offense, a fine of not more than \$1,000 or
25 imprisonment for not more than 6 months or both; and

26 (ii) For a second or subsequent offense, a fine of not more than
27 \$2,000 or imprisonment for not more than 1 year or both.

28 (3) For the purpose of determining second or subsequent offender
29 penalties provided under this subsection, a prior conviction of any provision of §
30 21-902 of this article that subjected a person to the penalties under this subsection
31 shall be considered a prior conviction.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2001.