
By: **Delegates Boschert and Vallario**
Introduced and read first time: February 21, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Alcohol- or Drug-Related Offenses - Probation Before Judgment -**
3 **Prohibitions**

4 FOR the purpose of prohibiting a court from staying a judgment for certain alcohol-
5 or drug-related offenses and placing a defendant on certain probation if, within
6 a certain period of time, the defendant has been convicted of, or placed on
7 certain probation for, certain alcohol- or drug-related offenses; and generally
8 relating to a prohibition against staying a judgment for certain alcohol- or
9 drug-related offenses under certain circumstances.

10 BY repealing and reenacting, without amendments,
11 Article - Criminal Law
12 Section 2-503(a), 2-504(a), 2-505(a), 2-506(a), and 3-211(c)(1), (d)(1), (e)(1), and
13 (f)(2)
14 Annotated Code of Maryland
15 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
16 2002)

17 BY repealing and reenacting, with amendments,
18 Article - Criminal Procedure
19 Section 6-220(d)(1)
20 Annotated Code of Maryland
21 (2001 Volume)

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

24 **Article - Criminal Law**

25 2-503.

26 (a) A person may not cause the death of another as a result of the person's
27 negligently driving, operating, or controlling a motor vehicle or vessel while:

28 (1) under the influence of alcohol; or

1 (2) under the influence of alcohol per se.

2 2-504.

3 (a) A person may not cause the death of another as a result of the person's
4 negligently driving, operating, or controlling a motor vehicle or vessel while impaired
5 by alcohol.

6 2-505.

7 (a) A person may not cause the death of another person as a result of the
8 person's negligently driving, operating, or controlling a motor vehicle or vessel while
9 the person is so far impaired by a drug, a combination of drugs, or a combination of
10 one or more drugs and alcohol that the person cannot drive, operate, or control a
11 motor vehicle or vessel safely.

12 2-506.

13 (a) A person may not cause the death of another as a result of the person's
14 negligently driving, operating, or controlling a motor vehicle or vessel while the
15 person is impaired by a controlled dangerous substance, as defined in § 5-101 of this
16 article.

17 3-211.

18 (c) (1) A person may not cause a life-threatening injury to another as a
19 result of the person's negligently driving, operating, or controlling of a motor vehicle
20 or vessel while the person is:

21 (i) under the influence of alcohol; or

22 (ii) under the influence of alcohol per se.

23 (d) (1) A person may not cause a life-threatening injury to another as a
24 result of the person's negligently driving, operating, or controlling a motor vehicle or
25 vessel while the person is impaired by alcohol.

26 (e) (1) A person may not cause a life-threatening injury to another as a
27 result of the person's negligently driving, operating, or controlling a motor vehicle or
28 vessel while the person is so far impaired by a drug, a combination of drugs, or a
29 combination of one or more drugs and alcohol that the person cannot drive, operate, or
30 control a motor vehicle or vessel safely.

31 (f) (2) A person may not cause a life-threatening injury to another as a
32 result of the person's negligently driving, operating, or controlling a motor vehicle or
33 vessel while the person is impaired by a controlled dangerous substance as defined in
34 § 5-101 of this article.

1

Article - Criminal Procedure

2 6-220.

3 (d) Notwithstanding subsections (b) and (c) of this section, a court may not
4 stay the entering of judgment and place a defendant on probation for:

5 (1) a violation of § 21-902 of the Transportation Article OR § 2-503, §
6 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, if within the
7 preceding 5 years the defendant has been convicted under § 21-902 OF THE
8 TRANSPORTATION ARTICLE OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE
9 CRIMINAL LAW ARTICLE, or has been placed on probation [under that section] IN
10 ACCORDANCE WITH THIS SECTION, after being charged with a violation of § 21-902 of
11 the Transportation Article OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE
12 CRIMINAL LAW ARTICLE;

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2002.