

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 523

(Delegates Giannetti and Vallario)

Judiciary

Judicial Proceedings

---

**Drunk and Drugged Driving - Conditions of Probation**

---

This bill requires a court to impose as a condition of probation in certain drunk or drugged driving cases, participation in an alcohol or drug treatment or education program approved by the Department of Health and Mental Hygiene (DHMH), unless the court finds and states on the record that the defendant's and the public's interests do not require the condition.

This applies to defendants who have been convicted of: (1) driving or attempting to drive while impaired by alcohol; (2) driving or attempting to drive while impaired by a combination of one or more drugs and/or alcohol; (3) driving or attempting to drive while impaired by a controlled dangerous substance; (4) homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se; (5) homicide by motor vehicle or vessel while impaired by alcohol; (6) homicide by motor vehicle or vessel while impaired by drugs; (7) homicide by motor vehicle or vessel while impaired by a controlled dangerous substance; or (8) life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes.

If judgment is being stayed for these offenses, the court must impose a period of probation. During the probation period, the defendant must participate in either a drug or alcohol treatment or education program approved by DHMH. The court may prohibit the defendant from operating a motor vehicle without an ignition interlock system during the probationary period.

---

**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

---

### **Analysis**

**Current Law:** For defendants who have been convicted of driving under the influence of alcohol, driving under the influence per se, driving while impaired by alcohol, or a drug-related offense and who have been placed on probation, the court must require the defendant to participate in an alcohol or drug treatment or education program approved by DHMH as a probationary condition. The court is required to impose this condition unless it finds and states on the record that the interests of the public and defendant do not require the condition.

If a conviction for an alcohol-related driving or drug offense is being stayed, the court must impose probation and, as a condition of probation require the defendant to participate in an alcohol or drug treatment or education program approved by DHMH unless the court finds and states on the record that the public interest would not be served by the condition. As a condition of probation, the court is also authorized to prohibit a defendant from operating a motor vehicle without an ignition interlock system.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2002  
ncs/cer

---

Analysis by: Karen D. Morgan

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510

