

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1366

(Delegates Boschert and Vallario)

Judiciary

Judicial Proceedings

Alcohol- or Drug-Related Offenses - Probation Before Judgment - Prohibitions

This bill expands the scope of an existing prohibition against a court placing a defendant on probation before judgment where the defendant is convicted of drunken or drugged driving within five years of a prior drunken or drugged driving conviction.

Fiscal Summary

State Effect: Although the bill could theoretically result in an increased number of incarcerations, it is not expected to have any significant impact on governmental operations or finances.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Bill Summary: A person may not be placed on probation before judgment for any of the following offenses if the person has already been convicted of or placed on probation for one of these offenses within the preceding five years:

- causing another's death as a result of negligently driving, operating, or controlling a motor vehicle or vessel while:
 - under the influence of alcohol or under the influence of alcohol per se;
 - impaired by alcohol;

- so far impaired by a drug, a combination of drugs, or a combination of drugs and alcohol that the person cannot drive or boat safely; or
 - impaired by a controlled dangerous substance; and
- causing a life-threatening injury to another as a result of negligently driving, operating, or controlling a motor vehicle or vessel while:
 - under the influence of alcohol or under the influence of alcohol per se;
 - impaired by alcohol;
 - so far impaired by a drug, a combination of drugs, or a combination of drugs and alcohol that the person cannot drive or boat safely; or
 - impaired by a controlled dangerous substance.

In addition, if a person is convicted of or placed on probation for driving or attempting to drive while under the influence of or impaired by alcohol or drugs, and is subsequently convicted of the same offense or one of the above offenses, the person is ineligible for probation before judgment on the subsequent offense. Conversely, if a person is convicted of one of the above offenses and has been, within the preceding five years, convicted of or placed on probation for driving or attempting to drive while under the influence of or impaired by alcohol or drugs, the person is ineligible for probation before judgment on the subsequent offense.

Current Law: A person may not be placed on probation before judgment for one of the following offenses, where the person has already been convicted of or placed on probation for one of these offenses within the preceding five years: driving or attempting to drive any vehicle while --

- under the influence of alcohol or under the influence of alcohol per se;
- impaired by alcohol;
- so far impaired by any drug, combination of drugs, or combination of drugs and alcohol that the person cannot drive safely; or
- impaired by any controlled dangerous substance.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Transportation (Motor Vehicle Administration),
Department of Legislative Services

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