

HOUSE BILL 94

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R3

2003 Regular Session
3r1013
CF 3r1014

By: **Delegates Boutin, Bates, Costa, Elliott, Murray, Nathan-Pulliam, Oaks, Smigiel, and Weldon**

Introduced and read first time: January 23, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Subsequent Offender Penalties - Out-of-State**
3 **Crimes**

4 FOR the purpose of providing that, for application of certain subsequent offender
5 penalties for certain alcohol- and drug-related driving offenses, a crime
6 committed in another state or federal jurisdiction that would be a violation of
7 certain drunk and drugged driving laws if committed in this State constitutes a
8 prior offense; and generally relating to subsequent offender penalties for drunk
9 and drugged driving.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 21-902
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 27-101(f) and (q)
18 Annotated Code of Maryland
19 (2002 Replacement Volume)

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

22 **Article - Transportation**

23 21-902.

24 (a) (1) A person may not drive or attempt to drive any vehicle while under
25 the influence of alcohol.

26 (2) A person may not drive or attempt to drive any vehicle while the
27 person is under the influence of alcohol per se.

1 (b) A person may not drive or attempt to drive any vehicle while impaired by
2 alcohol.

3 (c) (1) A person may not drive or attempt to drive any vehicle while he is so
4 far impaired by any drug, any combination of drugs, or a combination of one or more
5 drugs and alcohol that he cannot drive a vehicle safely.

6 (2) It is not a defense to any charge of violating this subsection that the
7 person charged is or was entitled under the laws of this State to use the drug,
8 combination of drugs, or combination of one or more drugs and alcohol, unless the
9 person was unaware that the drug or combination would make the person incapable
10 of safely driving a vehicle.

11 (d) A person may not drive or attempt to drive any vehicle while the person is
12 impaired by any controlled dangerous substance, as that term is defined in § 5-101 of
13 the Criminal Law Article, if the person is not entitled to use the controlled dangerous
14 substance under the laws of this State.

15 (E) FOR PURPOSES OF THE APPLICATION OF SUBSEQUENT OFFENDER
16 PENALTIES UNDER § 27-101 OF THIS ARTICLE, A CRIME COMMITTED IN ANOTHER
17 STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD
18 CONSTITUTE A VIOLATION OF THIS SECTION SHALL BE CONSIDERED A VIOLATION
19 OF THIS SECTION.

20 27-101.

21 (f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not
22 exceeding 1 year or both, if the person is convicted of:

23 (i) A violation of § 14-103 of this article ("Possession of motor
24 vehicle master key"); or

25 (ii) A second or subsequent violation of:

26 1. § 16-101 of this article ("Drivers must be licensed"); or

27 2. Except as provided in subsection (q) of this section:

28 A. § 21-902(b) of this article ("Driving while impaired by
29 alcohol");

30 B. § 21-902(c) of this article ("Driving while impaired by
31 drugs or drugs and alcohol"); or

32 C. § 21-902(d) of this article ("Driving while impaired by a
33 controlled dangerous substance").

34 (2) Except as provided in subsection (q) of this section, for the purpose of
35 second or subsequent offender penalties for a violation of § 21-902(b) of this article
36 provided under paragraph (1) of this subsection, a prior conviction of § 21-902(a), §

1 21-902(c), or § 21-902(d) of this article shall be considered a conviction of § 21-902(b)
2 of this article.

3 (3) Except as provided in subsection (q) of this section, for the purpose of
4 second or subsequent offender penalties for a violation of § 21-902(c) of this article
5 provided under paragraph (1) of this subsection, a prior conviction of § 21-902(a), §
6 21-902(b), or § 21-902(d) of this article shall be considered a conviction of § 21-902(c)
7 of this article.

8 (4) Except as provided in subsection (q) of this section, for the purpose of
9 second or subsequent offender penalties for a violation of § 21-902(d) of this article
10 provided under paragraph (1) of this subsection, a prior conviction of § 21-902(a), §
11 21-902(b), or § 21-902(c) of this article shall be considered a conviction of § 21-902(d)
12 of this article.

13 (q) (1) Any person who is convicted of a violation of § 21-902(a) of this
14 article and who, at the time of the offense, was transporting a minor is subject 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, 2003.