

HOUSE BILL 584

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R3

2003 Regular Session
3r2339
CF 3r1674

By: **Delegates O'Donnell, Amedori, McComas, Quinter, and Sophocleus**
Introduced and read first time: February 6, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Subsequent Offenders - Penalties**

3 FOR the purpose of expanding the types of alcohol- and drug-related driving offenses
4 for which certain persons convicted of certain subsequent offenses are subject to
5 certain mandatory minimum penalties of imprisonment for certain periods of
6 time; limiting the circumstances under which certain home detention is included
7 within the meaning of "imprisonment"; repealing certain mandatory minimum
8 penalty options for community service for certain persons convicted of certain
9 subsequent offenses; expanding the types of alcohol- and drug-related driving
10 offenses for which a court is required to order certain persons convicted of
11 certain subsequent offenses to undergo a certain alcohol abuse assessment and
12 to participate in a certain alcohol program under certain circumstances; and
13 generally relating to penalties for certain persons convicted of certain
14 subsequent alcohol- and drug-related offenses under certain circumstances.

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 21-902
18 Annotated Code of Maryland
19 (2002 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 27-101(j)
23 Annotated Code of Maryland
24 (2002 Replacement Volume)

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

1 **Article - Transportation**

2 21-902.

3 (a) (1) A person may not drive or attempt to drive any vehicle while under
4 the influence of alcohol.5 (2) A person may not drive or attempt to drive any vehicle while the
6 person is under the influence of alcohol per se.7 (b) A person may not drive or attempt to drive any vehicle while impaired by
8 alcohol.9 (c) (1) A person may not drive or attempt to drive any vehicle while he is so
10 far impaired by any drug, any combination of drugs, or a combination of one or more
11 drugs and alcohol that he cannot drive a vehicle safely.12 (2) It is not a defense to any charge of violating this subsection that the
13 person charged is or was entitled under the laws of this State to use the drug,
14 combination of drugs, or combination of one or more drugs and alcohol, unless the
15 person was unaware that the drug or combination would make the person incapable
16 of safely driving a vehicle.17 (d) A person may not drive or attempt to drive any vehicle while the person is
18 impaired by any controlled dangerous substance, as that term is defined in § 5-101 of
19 the Criminal Law Article, if the person is not entitled to use the controlled dangerous
20 substance under the laws of this State.

21 27-101.

22 (j) (1) In this subsection, "imprisonment" includes confinement in:

23 (i) An inpatient rehabilitation or treatment center; or

24 (ii) Home detention that includes electronic monitoring FOR THE
25 PURPOSE OF PARTICIPATING IN A DRUG OR ALCOHOL TREATMENT PROGRAM
26 CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.27 (2) A person who is convicted of a violation of [§ 21-902(a)] § 21-902 of
28 this article within 5 years after a prior conviction under that [subsection] SECTION is
29 subject to a mandatory minimum penalty of[:] IMPRISONMENT FOR NOT LESS THAN
30 5 DAYS.

31 [(i) Imprisonment for not less than 5 days; or

32 (ii) Community service for not less than 30 days.]

33 (3) A person who is convicted of a third or subsequent offense under [§
34 21-902(a)] § 21-902 of this article within 5 years is subject to a mandatory minimum
35 penalty of[:] IMPRISONMENT FOR NOT LESS THAN 10 DAYS.

1 [(i) Imprisonment for not less than 10 days; or

2 (ii) Community service for not less than 60 days.]

3 (4) A person who is convicted of an offense under [§ 21-902(a)] § 21-902
4 of this article within 5 years of a prior conviction of any offense under that
5 [subsection] SECTION shall be required by the court to:

6 (i) Undergo a comprehensive alcohol abuse assessment; and

7 (ii) If recommended at the conclusion of the assessment, participate
8 in an alcohol program certified by the Department of Health and Mental Hygiene as
9 ordered by the court.

10 (5) The penalties provided by this subsection are mandatory and are not
11 subject to suspension or probation.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2003.