

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 94

(Senator Ruben, *et al.*)

Judicial Proceedings

Motor Vehicles - Drunk and Drugged Driving and Homicide and Life-Threatening Injury by Motor Vehicle Offenses - Probation Before Judgment

This bill expands, from five to ten years, the period in which a prior conviction for specified alcohol- or drug-related driving offenses disqualifies the person from eligibility to be placed on probation before judgment.

Fiscal Summary

State Effect: While this bill could slightly increase the number of related trials, as well as motor vehicle license suspensions/revocations, its requirements could be accommodated with the existing budgeted resources of the District Court and the Motor Vehicle Administration.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill prohibits a court from staying the entry of judgment and granting a probation before judgment to a person charged with the following: (1) driving while under the influence of alcohol, or under the influence of alcohol per se; (2) driving while impaired by alcohol; (3) driving while impaired by drugs or drugs and alcohol; (4) driving while impaired by a controlled dangerous substance; (5) homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se; (6) homicide by motor vehicle or vessel while impaired by alcohol; (7) homicide

by motor vehicle or vessel while impaired by drugs or drugs and alcohol; (8) homicide by motor vehicle or vessel while impaired by a controlled dangerous substance; or (9) life threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes. The prohibition applies if that person has been convicted of or given probation for any of those offenses within the preceding ten years.

Current Law: A court is prohibited from staying the entry of judgment and granting probation before judgment if a person is charged with any of the offenses listed above, if that person has been convicted of or given probation for any of those offenses within the preceding five years.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 384 from the 2002 session. SB 384 was referred to the Judicial Proceedings Committee, where it received an unfavorable report. A similar bill, SB 119, was introduced in the 2001 session and referred to the Judicial Proceedings Committee, where it received an unfavorable report.

Cross File: HB 249 (Delegate Bronrott, *et al.*) – Judiciary.

Information Source(s): Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510