
By: **Delegate Menes (Chairman, Special Committee on Drug and Alcohol Abuse) and Delegates Kelley, Anderson, Barkley, Boschert, Bronrott, Burns, Dumais, Eckardt, Hennessy, and Petzold**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk and Drugged Driving - Consecutive Sentences**

3 FOR the purpose of providing that sentences imposed against a person for multiple
4 convictions arising out of the same incident shall be imposed consecutively if the
5 person is convicted of both a certain alcohol-related driving offense and driving
6 while impaired by a controlled dangerous substance; and generally relating to
7 drunk and drugged driving.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 21-902
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2003 Supplement)

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

15 **Article - Transportation**

16 21-902.

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

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

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

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

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

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

10 (e) For purposes of the application of subsequent offender penalties under §
11 27-101 of this article, a conviction for a crime committed in another state or federal
12 jurisdiction that, if committed in this State, would constitute a violation of subsection
13 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
14 (c), or (d) of this section.

15 (F) SENTENCES IMPOSED AGAINST A PERSON FOR MULTIPLE VIOLATIONS OF
16 THIS SECTION ARISING OUT OF THE SAME INCIDENT SHALL BE SERVED
17 CONSECUTIVELY IF THE PERSON IS CONVICTED OF BOTH:

18 (1) A VIOLATION OF SUBSECTION (A) OR (B) OF THIS SECTION; AND

19 (2) A VIOLATION OF SUBSECTION (D) OF THIS SECTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2004.