

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 307

(Senator Ruben, *et al.*)

Judicial Proceedings

Judiciary

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**Drunk and Drugged Driving and Homicide or Life-Threatening Injury by Motor Vehicle Offenses - Probation before Judgment**

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This bill expands, from five to 10 years, the period in which a prior conviction for specified alcohol- or drug-related driving offenses disqualifies a person from eligibility to be placed on probation before judgment.

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**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.

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**Analysis**

**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 following offenses, if that person has been convicted of or given probation for any of those offenses within the preceding five years: (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.

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### **Additional Information**

**Prior Introductions:** This bill is a reintroduction of SB 94/HB 249 of the 2003 session. SB 94 was referred to the Judicial Proceedings Committee, where it received an unfavorable report. HB 249 was referred to the Judiciary Committee, where it received an unfavorable report. This bill was also introduced as 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:** None. However, an identical bill, HB 888 has been referred to the Judiciary Committee.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2004  
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