

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1137
Judiciary

(Delegate Dumais, *et al.*)

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

This bill expands, from 5 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.

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

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.

Additional Information

Prior Introductions: This bill is a reintroduction of HB 888 of the 2004 session. HB 888 was heard in the Judiciary Committee, but received no further action. An identical bill, SB 307 of 2004, passed the Senate and was heard in the House, but received no further action. This bill is also a reintroduction of SB 94/HB 249 of the 2003 session. SB 94 was given an unfavorable report from the Judicial Proceedings Committee. HB 249 received an unfavorable report from the Judiciary Committee. SB 384 of the 2002 session is a prior introduction of this bill, and it received an unfavorable report from the Judicial Proceedings Committee. SB 119 of the 2001 session was a similar bill which received an unfavorable report from the Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2005
mll/jr

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