

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

House Bill 821  
Judiciary

(Delegate Bronrott, *et al.*)

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

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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.

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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 and that person has been convicted of or given probation for any of these 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 HB 888 of 2004, which was heard in the House Judiciary Committee, but received no further action. This bill is a reintroduction of SB 94/HB 249 of 2003. SB 94 received an unfavorable report from the Senate Judicial Proceedings Committee, and HB 249 received an unfavorable report from the House Judiciary Committee. This bill was also introduced as SB 384 of 2002, which received an unfavorable report from the Senate Judicial Proceedings Committee. A similar bill, SB 119 of 2001, received an unfavorable report from the Senate 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 17, 2006  
mll/jr

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Analysis by: Karen D. Morgan

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