

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 372

(Senator Ruben, *et al.*)

Judicial Proceedings

Judiciary

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**Probation Before Judgment - Time Limit - Alcohol- or Drug-Related Offenses**

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This bill expands, from 5 to 10 years, the period in which a prior conviction for specified alcohol- and/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 similar to HB 1137 of 2005 and HB 888 of 2004, which were heard in the House Judiciary Committee but received no further action. A bill identical to HB 888, SB 307 of 2004, passed the Senate and was heard in the House Judiciary Committee, but received no further action. This bill is also similar to SB 94/HB 249 of 2003. SB 94 was given an unfavorable report from the Senate Judicial Proceedings Committee. HB 249 received an unfavorable report from the House Judiciary Committee. SB 384 of 2002 is also similar to this bill, and it received an unfavorable report from the Senate Judicial Proceedings Committee. SB 119 of 2001 was a similar bill which 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 - March 2, 2006  
ncs/jr

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