

HOUSE BILL 1063

R3
HB 1313/06 – JUD

71r1442

By: **Delegates Taylor, DeBoy, Feldman, Hubbard, Kaiser, Krebs, Manno, McKee, Miller, Minnick, Montgomery, Morhaim, Rice, and Vaughn**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Subsequent Offender Penalties**

3 FOR the purpose of providing that a State’s Attorney is not required to serve a certain
4 notice of an alleged prior conviction for certain alcohol– or drug–related driving
5 offenses for the purpose of allowing a court to sentence a defendant as a
6 subsequent offender under certain circumstances; allowing a court to impose
7 specified penalties without certain notice to a defendant; and generally relating
8 to certain subsequent offender penalties for certain alcohol– or drug–related
9 driving offenses.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 27–101(f)(1)(ii), (k)(1)(ii) and (iii), and (q)(1)(ii) and (iii) and (2)(ii)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2006 Supplement)

15 BY adding to
16 Article – Transportation
17 Section 27–101(aa)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation

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27–101.

(f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year or both, if the person is convicted of:

(ii) Except as provided in subsection (q) of this section, a second or subsequent violation of:

1. § 21–902(b) of this article (“Driving while impaired by alcohol”); or

2. § 21–902(c) of this article (“Driving while impaired by drugs or drugs and alcohol”).

(k) (1) Except as provided in subsection (q) of this section, any person who is convicted of a violation of any of the provisions of § 21–902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”) or § 21–902(d) of this article (“Driving while impaired by controlled dangerous substance”):

(ii) For a second offense, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than 2 years, or both; and

(iii) For a third or subsequent offense, shall be subject to a fine of not more than \$3,000, or imprisonment for not more than 3 years, or both.

(q) (1) Any person who is convicted of a violation of § 21–902(a)(3) or (d)(2) of this article is subject to:

(ii) For a second offense, a fine of not more than \$3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21–902(b)(2) or (c)(3) of this article is subject to:

(ii) For a second or subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

1 **(AA) (1) THIS SUBSECTION APPLIES ONLY TO THE PROVISIONS OF**
2 **THIS SECTION THAT AUTHORIZE BUT DO NOT MANDATE ADDITIONAL PENALTIES**
3 **BECAUSE OF A SPECIFIED PRIOR CONVICTION UNDER A PROVISION OF § 21-902**
4 **OF THIS ARTICLE.**

5 **(2) MARYLAND RULE 4-245 DOES NOT APPLY TO THE**
6 **ADDITIONAL PENALTIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2007.