

**HB0957/673520/1**

BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 957

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “drugs;” insert “altering the application of certain mandatory sanctions and minimum penalties for repeat offenders to apply to a broader range of drug- and alcohol-related driving offenses;”; and in line 16, after “27-101(f)” insert “, (j).”.

AMENDMENT NO. 2

On page 3, after line 25, insert:

“(j) (1) In this subsection, “imprisonment” includes confinement in:

(i) An inpatient rehabilitation or treatment center; or

(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(2) (i) A person who is convicted of a violation of [§ 21-902(a)] § 21-902 of this article within 5 years after a prior conviction under that [subsection] SECTION is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(Over)

(ii) A person who is convicted of a third or subsequent offense under [§ 21-902(a)] § 21-902 of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(3) (i) A person who is convicted of a violation of § 21-902(d) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21-902(d) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(4) A person who is convicted of an offense under [§ 21-902(a)] § 21-902 of this article within 5 years of a prior conviction of any offense under that [subsection] SECTION shall be required by the court to:

(i) Undergo a comprehensive alcohol OR DRUG abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol OR DRUG program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

[(5) A person who is convicted of an offense under § 21–902(d) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive drug abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in a drug program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(6) (4) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.”.