

SB0945/952311/2

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 945
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “increasing” in line 4 down through “impaired;” in line 6; in line 8, strike “and driving while impaired”; in line 10, after “regarding” insert “certain revocations and”; in line 11, strike “suspensions on” and substitute “revocations of”; strike beginning with “and” in line 13 down through “person” in line 16; in line 20, after “Program” insert “under certain circumstances”; in line 21, strike “refuses or”; in line 22, after “a” insert “certain”; in the same line, strike “for breath alcohol concentration”; and strike beginning with “authorizing” in line 23 down through “circumstances” in line 24 and substitute “repealing certain disqualifying criteria from participation in the Program”.

On page 2, in line 4, after “for” insert “certain participation toward certain”; in the same line, after “participation;” insert “requiring a court to order a person to participate in the Program under certain circumstances;”; strike beginning with “establishing” in line 4 down through the semicolon in line 5; strike beginning with “altering” in line 6 down through “interlock” in line 7 and substitute “providing for the construction of a certain provision of law”; and in line 8, strike “required”.

AMENDMENT NO. 2

On page 2, in line 12, after “16-205.1,” insert “and”; in the same line, strike “, and 27-107”; and after line 14, insert:

“BY adding to

Article – Transportation

Section 27-107.1

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

(Over)

AMENDMENT NO. 3

On page 2, in line 29, after “(a)” insert “**(1)**”; and in lines 30 and 33, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.

On page 3, in lines 1, 4, 6, and 9, strike “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “**1.**”, “**2.**”, “**3.**”, and “**4.**”, respectively; and after line 10, insert:

“(2) IN THE NOTICE OF PROPOSED REVOCATION, THE ADMINISTRATION SHALL ADVISE AN INDIVIDUAL WHO IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE THAT THE INDIVIDUAL, IF ELIGIBLE, IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE FOLLOWING PERIODS:

(I) 6 MONTHS THE FIRST TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM;

(II) 1 YEAR THE SECOND TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM; AND

(III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM.”

AMENDMENT NO. 4

On page 3, in lines 20, 21, and 22, in each instance, strike the bracket; in line 20, strike “SUBSECTIONS (D) AND (E)”; in the same line, after “section” insert “**AND § 16-404.1 OF THIS TITLE**”; in line 21, strike “SHALL”; strike beginning with “A” in line 22 down through “PERSON” in line 23; and strike beginning with the semicolon in line 26 down through “ARTICLE” in line 31.

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On page 4, in lines 1 and 12, in each instance, strike the bracket; in line 1, after “section” insert “**AND § 16-404.1 OF THIS TITLE**”; in line 12, strike “SUBSECTION”; and in line 13, after “section” insert “**AND SUBJECT TO § 16-404.1 OF THIS TITLE**”.

On page 5, in lines 9, 17, 18, 20, and 22, in each instance, strike the bracket; in line 9, after “subsection” insert “**AND § 16-404.1 OF THIS TITLE**”; in line 18, strike “SUBSECTION (C)”; in the same line, strike “SECTION”; in line 20, after “year” insert “**SUBJECT TO § 16-404.1 OF THIS TITLE**”; in line 21, strike beginning with “THE” through “SECTION”; in line 25, after “year” insert “**OR A LONGER PERIOD IF REQUIRED UNDER § 16-404.1 OF THIS TITLE**”.

On page 6, in lines 12, 13, 14, 15, 27, and 32, in each instance, strike the bracket; in line 14, strike “(III)”; strike beginning with “The” in line 20 down through “3.” in line 22; in line 25, strike “4.” and substitute “**3.**”; strike beginning with “PARTICIPATE” in line 27 down through “TITLE” in line 28; in line 29, strike “(IV)” and substitute “**(VI)**”; in lines 30 and 31, strike “AS REQUIRED”; in line 32, strike “(3)”; and in the same line, strike “(2)”.

On page 7, in lines 7, 12, and 14, in each instance, strike the bracket; strike beginning with “A” in line 3 down through “OR” in line 4 and substitute “**A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;**”; strike in their entirety lines 5 and 6; in line 16, after “year” insert “**OR A LONGER PERIOD IF REQUIRED UNDER § 16-404.1 OF THIS TITLE**”; and in line 18, strike “for 1 year”.

On page 8 in lines 7, 12, 17, and 32, and on page 9 in line 9, in each instance, strike “3” and substitute “**6**”.

(Over)

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On page 8 in lines 8, 12 and 13, 18, and 32, and on page 9 in line 9, in each instance, strike “more than 1 year” and substitute “LESS THAN THE PERIOD REQUIRED UNDER § 16-401.1 OF THIS TITLE”.

On page 9 in lines 11, 12, 14, 19, and 32, and on page 10 in lines 1 and 2, in each instance, strike the bracket.

On page 9, in lines 12 and 14, strike “(4)” and “(5)”, respectively.

On page 9 in lines 29 and 31, on page 14 in line 4, on page 29 in line 28, on page 30 in lines 19 and 22, on page 32 in line 11, and on page 33 in line 3, in each instance, strike “restrictive” and substitute “RESTRICTED”.

On page 10, in line 1, strike “(F)”.

AMENDMENT NO. 5

On page 11, in line 30, strike “or”.

On page 12, in line 2, strike “2 YEARS;” and substitute “1 YEAR; OR”

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER’S LICENSE FOR 2 YEARS;”.

On page 13, in line 2, strike “or”; in line 3, strike “or subsequent”; and in line 4, strike “2 YEARS;” and substitute “1 YEAR; OR”

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER’S LICENSE FOR 2 YEARS;”.

On page 18, in line 27, strike “2 YEARS;” and substitute “1 YEAR; OR”

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 2 YEARS;

On page 25, in line 2, strike "or"; in line 4, strike "2 YEARS" and substitute "1 YEAR; OR

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 2 YEARS

AMENDMENT NO. 6

On page 13, strike beginning with ", INCLUDING" in line 32 down through "TITLE," in line 34.

On pages 13 and 14, strike beginning with "A" in line 34 on page 13 down through "FOR" in line 1 on page 14.

On page 14, in lines 2, 3, and 8, in each instance, strike the bracket; in line 2, strike "AND"; in line 7, strike "and"; in line 11, after "violation" insert "; AND

(VI) ADVISE THE PERSON THAT A COURT SHALL IMPOSE PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM AS PART OF THE SENTENCE IN ACCORDANCE WITH § 27-107.1 OF THIS ARTICLE;

and strike beginning with ", INCLUDING" in line 33 down through "TITLE" in line 35.

On page 15, in line 7, after the semicolon insert "AND"; strike beginning with "The" in line 8 down through "3." in line 11; in line 16, strike the brackets; strike beginning with the first "A" in line 16 down through "SUBSECTION" in line 17; and in lines 19 and 20, strike "AS REQUIRED".

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On page 16, in line 3, strike the brackets; in the same line, strike “**0.08**”; in line 5, strike “under”; and in lines 5 and 6, strike “**§ 16-404.1 OF THIS TITLE**”.

On page 24, strike beginning with “**UNDER**” in line 5 down through “**PARAGRAPH**” in line 6.

On page 25, in line 20, after the semicolon insert “**AND**”; strike beginning with “**THE**” in line 21 down through “**(3)**” in line 25; and strike in their entirety lines 30 through 32, inclusive, and substitute:

“(II) ELECTS IN WRITING TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR 1 YEAR.”.

AMENDMENT NO. 7

On page 29, in line 7, after “**(L)**” insert “**(1)**”; after line 9, insert:

“(2) THIS SUBSECTION MAY NOT BE CONSTRUED AS LIMITING THE PROVISIONS OF § 16-404.1(M) OF THIS TITLE.”;

in line 20, strike the bracket; in the same line, strike “(n)” and substitute “**(O)**”; strike beginning with the colon in line 20 down through “Who” in line 21 and substitute “**WHO**”; in line 22, after “0.15” insert “**AND DID NOT ELECT TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM**”; and strike beginning with the semicolon in line 22 down through “years” in line 26.

On page 30, in lines 11, 21, and 32, strike “(o)”, “(p)”, and “**(O)**”, respectively, and substitute “**(P)**”, “**(Q)**”, and “**(R)**”, respectively; in line 12, after the semicolon insert “**OR**”; strike beginning with the semicolon in line 14 down through “section” in line 17; and in line 31, strike the bracket.

AMENDMENT NO. 8

On page 32, in lines 5, 10, 11, 12, 20, 25, 26, 30, and 32, in each instance, strike the bracket; in line 5, strike “SHALL”; in line 7, strike “§ 21-902(a), (b), or (c)” and substitute “§ 21-902(B) OR (C)”; in line 8, strike “or (37)”; in line 12, strike “INDIVIDUAL’S LICENSE IS SUSPENDED”; strike beginning with the semicolon in line 13 down through “ARTICLE” in line 19; in line 21, strike “the individual is convicted of a violation of”; in line 22, strike “§ 21-902(a)(1) or (2)” and substitute “THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(A)”; strike beginning with “and” in line 22 down through “more” in line 23; in line 23, strike “or”; in line 24, strike “§ 21-902(a)(3) or (b)(2)” and substitute “THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(B)(2)”; in line 25, strike the period and substitute “;

3. THE INDIVIDUAL’S LICENSE IS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE OR § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

4. THE INDIVIDUAL’S LICENSE IS REVOKED UNDER § 16-205(B) OF THIS TITLE FOR:

A. HOMICIDE BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, HOMICIDE BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR HOMICIDE BY MOTOR VEHICLE WHILE IMPAIRED BY A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL; OR

B. LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ONE OR MORE DRUGS AND ALCOHOL; OR

5. THE INDIVIDUAL IS REQUIRED TO BE A PARTICIPANT BY A COURT ORDER UNDER § 27-107.1 OF THIS ARTICLE.;

in lines 26 and 30, strike “(I)” and “(II)”, respectively; in line 27, strike “SUBSECTION (C) OF THIS SECTION”; in line 32, strike “(P)”; and after line 32, insert:

“(IV) THE ADMINISTRATION SHALL ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS SECTION AND WHO IS OTHERWISE ELIGIBLE.”.

AMENDMENT NO. 9

On page 33, in lines 1 and 19, in each instance, strike the bracket; in line 6, strike “§ 21-902(a) or (b)” and substitute “**§ 21-902(B)**”; in line 13, strike “§ 21-902(a), (b), or (c)” and substitute “**§ 21-902(B) OR (C)**”; in line 19, before “THE” insert “.

(IV)”;

in line 21, after “SECTION” insert “**AND WHO IS OTHERWISE ELIGIBLE**”; in line 22, strike “An” and substitute “**EXCEPT AS PROVIDED IN § 16-205 OF THIS TITLE, AN**”; strike beginning with “THE” in line 23 down through “SPECIFIED” in line 24; in lines 26, 28, and 30, in each instance, strike the brackets; and in lines 26, 28, and 30, in each instance, strike “SECTION”.

On page 34, in lines 3 and 10, in each instance, strike the brackets; in line 10, strike “SHALL”; in line 17, strike “§ 21-902(a), (b), or (c)” and substitute “**§ 21-902(B) OR (C)**”; in line 18, strike “§ 16-402(a)(37)” and substitute “**§ 16-402(A)(28)**”; in line 19, strike “§ 21-902(a)” and substitute “**§ 21-902(B) OR (C)**”; in line 24, strike “§ 21-902(a), (b), or (c)” and substitute “**§ 21-902(B) OR (C)**”; in line 25, strike “§ 16-402(a)(37)” and substitute “**§ 16-402(A)(28)**”; in line 26, strike “§ 21-902(a)” and substitute “**§ 21-902(B) OR (C)**”; after line 27, insert:

“(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:

(I) MODIFY A SUSPENSION AND ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM AS PROVIDED UNDER § 16-205 OR § 16-205.1 OF THIS TITLE OR § 16-404 OF THIS SUBTITLE;

(II) REINSTATE THE DRIVER’S LICENSE OF A PARTICIPANT WHOSE LICENSE HAS BEEN REVOKED:

1. FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

2. FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;
OR

3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.

(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IMPOSE ON A PARTICIPANT A PERIOD OF SUSPENSION IN ACCORDANCE WITH § 16-404(C)(2) AND (3) OF THIS SUBTITLE IN LIEU OF A LICENSE REVOCATION:

1. FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

2. FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE; OR

3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.”;

and in line 28, strike “(2)” and substitute “**(3)**”.

On page 35, in line 1, strike “(3)” and substitute “**(4)**”; in line 3, strike the brackets; in the same line, strike “**§ 27-107(H)**”; and in lines 13 and 14, in each instance, strike the bracket.

On page 36, in line 2, strike “**REQUIRED**” and substitute “**AUTHORIZED**”; in the same line, after “**SECTION**” insert “**OR AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION**”; strike in their entirety lines 3 through 19, inclusive; and in lines 20, 23, and 34, strike “**(O)**”, “**(P)**”, and “**(Q)**”, respectively, and substitute “**(N)**”, “**(O)**”, and “**(P)**”, respectively.

On page 37, in line 3, strike “**(R)**” and substitute “**(Q)**”.

AMENDMENT NO. 10

On page 37, after line 16, insert:

“27-107.1.

(A) IN THIS SECTION, “TEST” HAS THE MEANING STATED IN § 16-205.1 OF THIS ARTICLE.

(B) IF A PERSON IS CONVICTED OF A VIOLATION UNDER § 21-902(B) OR (C) OF THIS ARTICLE AND THE TRIER OF FACT FINDS BEYOND A REASONABLE

DOUBT THAT THE PERSON REFUSED TO TAKE A TEST ARISING OUT OF THE SAME CIRCUMSTANCES AS THE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE FOR 1 YEAR.

(C) THE PENALTY PROVIDED IN THIS SECTION SHALL BE:

(1) IN ADDITION TO ANY OTHER CRIMINAL PENALTY FOR A VIOLATION OF § 21-902(B) OR (C) OF THIS ARTICLE;

(2) CONCURRENT WITH ANY OTHER PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ORDERED BY THE ADMINISTRATION UNDER ANY OTHER PROVISION OF THIS ARTICLE.

(D) IF A PERSON SUBJECT TO THIS SECTION PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-205.1 OF THIS ARTICLE, THE PERSON SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ARISING OUT OF THE SAME INCIDENT REQUIRED UNDER THIS SECTION.”.

AMENDMENT NO. 11

On page 37, in line 3, strike “convicted of any violation of § 21-902 of this article” and substitute “**REQUIRED TO BE A PARTICIPANT UNDER SUBSECTION (D) OF THIS SECTION**”.

AMENDMENT NO. 12

On pages 38 through 41, strike in their entirety the lines beginning with line 13 on page 38 through line 34 on page 41, inclusive.