

HB0707/802410/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 707

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Dumais” and substitute “, Dumais, Adams, Anderson, Arentz, Arikan, Atterbeary, Chisholm, Ciliberti, Clark, Corderman, Cox, W. Fisher, Grammer, Hartman, Kipke, Krebs, J. Lewis, Malone, Mangione, McComas, McKay, Metzgar, Morgan, Parrott, Rose, Saab, Shetty, Szeliga, R. Watson, and Wivell”; in line 2, strike beginning with “Manslaughter” through “Vessel” and substitute “Drunk and Drugged Driving Offenses”; strike beginning with “increasing” in line 3 down through “substance;” in line 8 and substitute “prohibiting an individual from committing certain drunk or drugged driving offenses if the individual has been convicted previously for certain other crimes under certain circumstances; establishing certain penalties; increasing certain penalties for certain convictions of driving while impaired by alcohol while transporting a minor;”; in line 8, after “to” insert “establishing drunk and drugged driving offenses and altering”; and strike beginning with “manslaughter” in line 8 down through “vessel” in line 9 and substitute “drunk and drugged driving offenses”.

AMENDMENT NO. 2

On page 1, in line 12, strike “2–209(a), (b), and (c),”; in line 13, strike “and”; in the same line, after “(b)” insert “, and 3–211(c)(1), (d)(1), (e)(1), and (f)(2)”; and strike in their entirety lines 18 and 19 and substitute “Section 2–505(c)(1) and (2)(i)”.

AMENDMENT NO. 3

On page 1, after line 21, insert:

“BY repealing and reenacting, without amendments,
Article – Transportation

(Over)

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Section 21–902(a)(1)(i) and (ii) and (2)(i), (b)(1)(i) and (2)(i), (c)(1)(i) and (2)(i), and (d)(1)(i) and (2)(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 21–902(a)(1)(iii) and (2)(ii), (b)(1)(ii) and (2)(ii), (c)(1)(ii) and (2)(ii), and (d)(1)(ii) and (2)(ii)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation
Section 21–902(h) and (i)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 4

On pages 1 and 2, strike in their entirety the lines beginning with line 25 on page 1 through line 13 on page 2, inclusive.

On page 2, strike in their entirety lines 24 through 31, inclusive.

On page 3, strike in their entirety lines 6 through 12, inclusive; in line 22, strike “**10**” and substitute “**5**”; and in line 26, strike “**15**” and substitute “**10**”.

AMENDMENT NO. 5

On pages 3 and 4, strike in their entirety the lines beginning with line 33 on page 3 through line 5 on page 4 and substitute:

“3–211.

(c) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(d) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(e) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(f) (2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this article.

Article – Transportation

21-902.

(a) (1) (i) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(Over)

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(ii) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(iii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; AND

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

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(b) (1) (i) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; AND

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding [6 months] 1 YEAR or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding [1 year] 2 YEARS or a fine not exceeding \$2,000 or both; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

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(c) (1) (i) A person may not drive or attempt to drive any vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; AND

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both]; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding [6 months] 1 YEAR or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding [1 year] 2 YEARS or a fine not exceeding \$2,000 or both]; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

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(d) (1) (i) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; AND

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(Over)

(H) (1) A PERSON MAY NOT VIOLATE SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED OF TWO VIOLATIONS OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION.

(2) FOR PURPOSES OF THIS SUBSECTION, A CONVICTION FOR A CRIME UNDER THE LAWS OF THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION IF COMMITTED IN THIS STATE SHALL BE CONSIDERED A PRIOR CONVICTION UNDER THIS SUBSECTION.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(I) (1) A PERSON MAY NOT VIOLATE SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED OF:

(I) THREE OR MORE VIOLATIONS OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION; OR

(II) A VIOLATION OF § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

(2) FOR PURPOSES OF THIS SUBSECTION, A CONVICTION FOR A CRIME UNDER THE LAWS OF THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION IF COMMITTED IN THIS STATE SHALL BE CONSIDERED A PRIOR CONVICTION UNDER THIS SUBSECTION.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.