

HOUSE BILL 483

R3
HB 967/22 – JUD

3lr2656
CF SB 74

By: **Delegates Simmons, Bagnall, Bartlett, Chisholm, Fennell, Guyton, Guzzone, Harris, D. Jones, Kaiser, Kipke, Lehman, T. Morgan, Phillips, Rogers, and Schmidt**

Introduced and read first time: January 30, 2023
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Grossly Negligent or Drunk or Drugged Operation of Vehicle or Vessel – Prior**
3 **Convictions**

4 FOR the purpose of establishing that certain previous convictions for drunk or drugged
5 operation of a vehicle or vessel and grossly negligent manslaughter by vehicle or
6 vessel under certain provisions of law constitute prior convictions for the purpose of
7 determining certain enhanced subsequent offender penalties; and generally relating
8 to prior convictions for the grossly negligent or drunk or drugged operation of a
9 vehicle or vessel.

10 BY repealing and reenacting, without amendments,
11 Article – Natural Resources
12 Section 8–738(a) and (g)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 8–738(e)(1) and (2)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 21–902(a)(1), (b)(1), (c)(1), (d)(1), (e), (h), and (i)
23 Annotated Code of Maryland
24 (2020 Replacement Volume and 2022 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Natural Resources**

3 8–738.

4 (a) Subject to subsection (g) of this section, a person may not operate or attempt
5 to operate a vessel while the person:

6 (1) Is under the influence of alcohol;

7 (2) Is impaired by alcohol;

8 (3) Is so far impaired by any drug, combination of drugs, or combination of
9 one or more drugs and alcohol that the person cannot operate a vessel safely; or

10 (4) Is impaired by any controlled dangerous substance, as defined in §
11 5–101 of the Criminal Law Article, unless the person is entitled to use the controlled
12 dangerous substance under the laws of the State.

13 (e) (1) **(I)** Notwithstanding any other provision of this title, a person who
14 violates subsection (a)(1) of this section is guilty of a misdemeanor and upon conviction:

15 [(i)] **1.** For a first offense, shall be subject to a fine of not more
16 than \$1,000 or imprisonment for not more than 1 year or both;

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

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

21 **(II) FOR THE PURPOSE OF DETERMINING SUBSEQUENT**
22 **OFFENDER PENALTIES FOR A VIOLATION OF THIS SECTION, A PRIOR CONVICTION**
23 **UNDER SUBSECTION (A) OF THIS SECTION OR § 21–902 OF THE TRANSPORTATION**
24 **ARTICLE SHALL BE CONSIDERED A PRIOR CONVICTION.**

25 (2) **(I)** Notwithstanding any other provision of this title, a person who
26 violates subsection (a)(2), (3), or (4) of this section is guilty of a misdemeanor and upon
27 conviction:

28 [(i)] **1.** For a first offense, shall be subject to a fine of not more
29 than \$500 or imprisonment for not more than 2 months or both; and

30 [(ii)] **2.** For a second or subsequent offense, shall be subject to a
31 fine of not more than \$1,000 or imprisonment of not more than 1 year or both.

1 conviction for a violation of this paragraph, shall be considered a prior conviction.

2 (e) For purposes of the application of subsequent offender penalties under this
3 section, a conviction for a crime committed in another state or federal jurisdiction that, if
4 committed in this State, would constitute a violation of subsection (a)(1) or (2), (b)(1) or (2),
5 (c)(1) or (2), or (d)(1) or (2) of this section **OR § 8-738 OF THE NATURAL RESOURCES**
6 **ARTICLE** shall be considered a violation of subsection (a)(1) or (2), (b)(1) or (2), (c)(1) or (2),
7 or (d)(1) or (2) of this section **OR § 8-738 OF THE NATURAL RESOURCES ARTICLE**.

8 (h) (1) A person may not violate subsection (a), (b), (c), or (d) of this section if
9 the person previously has been convicted of two violations of any provision of subsection
10 (a), (b), (c), or (d) of this section **OR § 8-738 OF THE NATURAL RESOURCES ARTICLE**.

11 (2) For purposes of this subsection, a conviction for a crime under the laws
12 of the United States that would be a crime included in paragraph (1) of this subsection if
13 committed in this State shall be considered a prior conviction under this subsection.

14 (3) A person who violates this subsection is guilty of a misdemeanor and
15 on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
16 \$5,000 or both.

17 (i) (1) A person may not violate subsection (a), (b), (c), or (d) of this section if
18 the person previously has been convicted of:

19 (i) Three or more violations of any provision of subsection (a), (b),
20 (c), or (d) of this section **OR § 8-738 OF THE NATURAL RESOURCES ARTICLE**; or

21 (ii) A violation of **§ 2-209**, § 2-503, § 2-504, § 2-505, § 2-506, or §
22 3-211 of the Criminal Law Article.

23 (2) For purposes of this subsection, a conviction for a crime under the laws
24 of the United States that would be a crime included in paragraph (1) of this subsection if
25 committed in this State shall be considered a prior conviction under this subsection.

26 (3) A person who violates this subsection is guilty of a misdemeanor and
27 on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
28 \$10,000 or both.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2023.