## **SENATE BILL 74**

R33lr0409 SB 914/22 - JPR**CF HB 483** (PRE-FILED) By: Senator Bailey Requested: September 16, 2022 Introduced and read first time: January 11, 2023 Assigned to: Judicial Proceedings Committee Report: Favorable Senate action: Adopted Read second time: February 15, 2023 CHAPTER AN ACT concerning Grossly Negligent or Drunk or Drugged Operation of Vehicle or Vessel - Prior Convictions FOR the purpose of establishing that certain previous convictions for drunk or drugged operation of a vehicle or vessel and grossly negligent manslaughter by vehicle or vessel under certain provisions of law constitute prior convictions for the purpose of determining certain enhanced subsequent offender penalties; and generally relating to prior convictions for the grossly negligent or drunk or drugged operation of a vehicle or vessel. BY repealing and reenacting, without amendments, Article – Natural Resources Section 8-738(a) and (g)Annotated Code of Maryland (2012 Replacement Volume and 2022 Supplement) BY repealing and reenacting, with amendments, Article – Natural Resources Section 8-738(e)(1) and (2)Annotated Code of Maryland (2012 Replacement Volume and 2022 Supplement) BY repealing and reenacting, with amendments, Article – Transportation

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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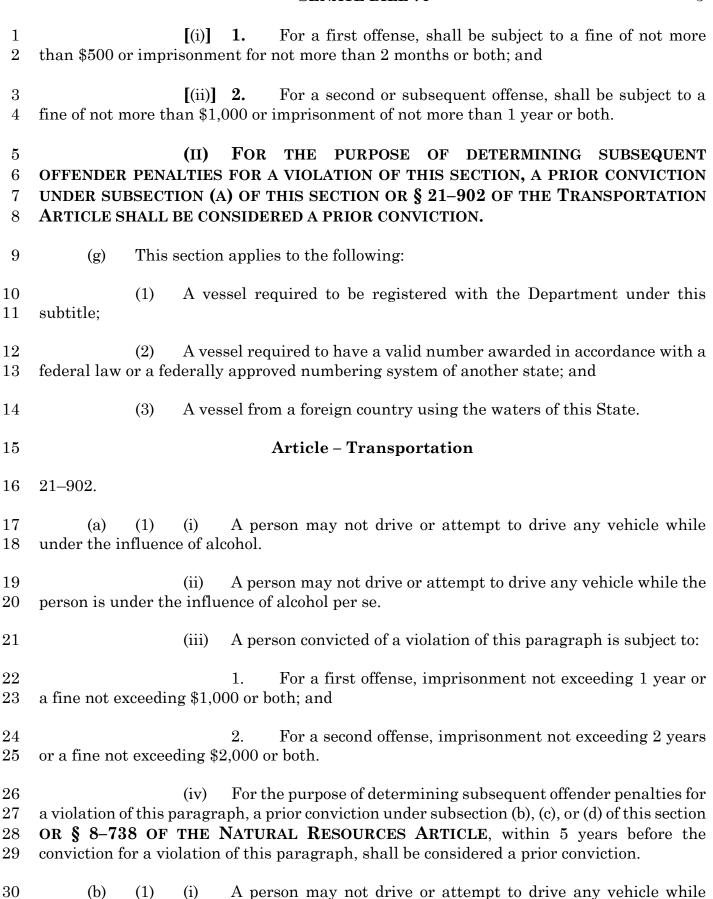
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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conviction:

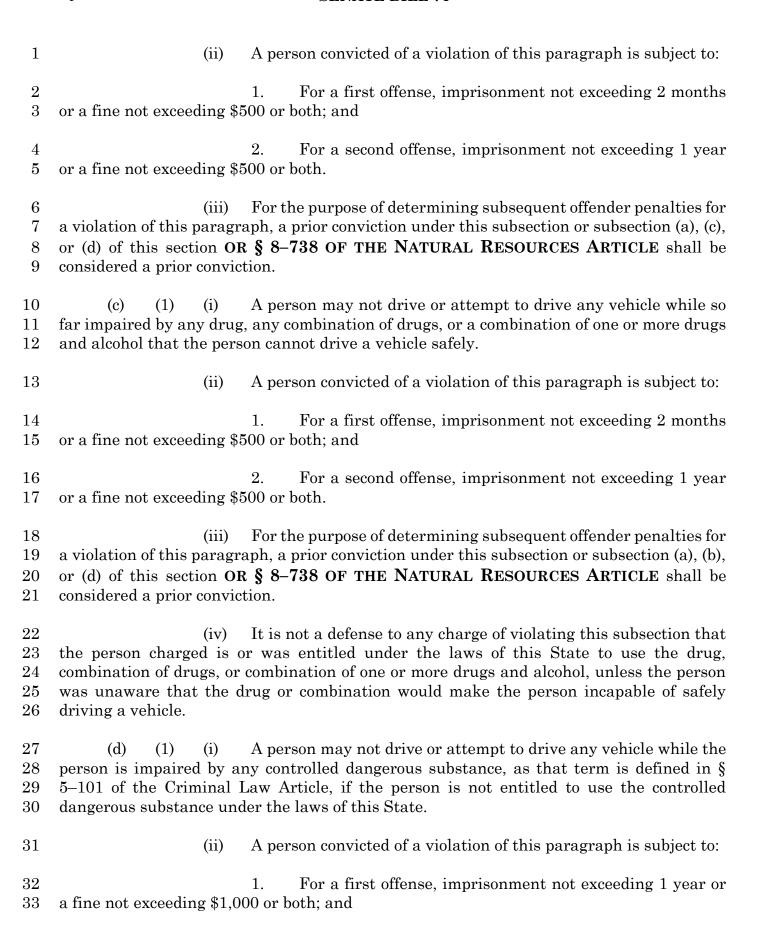
1 2 3	Section 21–902(a)(1), (b)(1), (c)(1), (d)(1), (e), (h), and (i) Annotated Code of Maryland (2020 Replacement Volume and 2022 Supplement)
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
6	Article – Natural Resources
7	8–738.
8 9	(a) Subject to subsection (g) of this section, a person may not operate or attempt to operate a vessel while the person:
10	(1) Is under the influence of alcohol;
11	(2) Is impaired by alcohol;
12 13	(3) Is so far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or
14 15 16	(4) Is impaired by any controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, unless the person is entitled to use the controlled dangerous substance under the laws of the State.
17 18	(e) (1) <b>(I)</b> Notwithstanding any other provision of this title, a person who violates subsection (a)(1) of this section is guilty of a misdemeanor and upon conviction:
19 20	[(i)] 1. For a first offense, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both;
21 22	[(ii)] 2. 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
23 24	[(iii)] 3. 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.
25 26 27 28	(II) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS SECTION, A PRIOR CONVICTION UNDER SUBSECTION (A) OF THIS SECTION OR § 21–902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A PRIOR CONVICTION.
29 30	(2) (I) Notwithstanding any other provision of this title, a person who violates subsection (a)(2), (3), or (4) of this section is guilty of a misdemeanor and upon



(i)

impaired by alcohol.

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- 1 2. For a second offense, imprisonment not exceeding 2 years 2 or a fine not exceeding \$2,000 or both.
- 3 (iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under subsection (a), (b), or (c) of this section OR § 8–738 OF THE NATURAL RESOURCES ARTICLE, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.
- 7 (e) For purposes of the application of subsequent offender penalties under this section, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection (a)(1) or (2), (b)(1) or (2), (c)(1) or (2), or (d)(1) or (2) of this section OR § 8–738 OF THE NATURAL RESOURCES ARTICLE shall be considered a violation of subsection (a)(1) or (2), (b)(1) or (2), (c)(1) or (2), or (d)(1) or (2) of this section OR § 8–738 OF THE NATURAL RESOURCES ARTICLE.
- (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 **OR § 8–738 OF THE NATURAL RESOURCES ARTICLE**.
- 16 (2) For purposes of this subsection, a conviction for a crime under the laws 17 of the United States that would be a crime included in paragraph (1) of this subsection if 18 committed in this State shall be considered a prior conviction under this subsection.
- 19 (3) A person who violates this subsection is guilty of a misdemeanor and 20 on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding 21 \$5,000 or both.
- 22 (i) (1) A person may not violate subsection (a), (b), (c), or (d) of this section if 23 the person previously has been convicted of:
- 24 (i) Three or more violations of any provision of subsection (a), (b), 25 (c), or (d) of this section **OR § 8–738 OF THE NATURAL RESOURCES ARTICLE**; or
- 26 (ii) A violation of **§ 2–209**, § 2–503, § 2–504, § 2–505, § 2–506, or § 27 3–211 of the Criminal Law Article.
- 28 (2) For purposes of this subsection, a conviction for a crime under the laws 29 of the United States that would be a crime included in paragraph (1) of this subsection if 30 committed in this State shall be considered a prior conviction under this subsection.
- 31 (3) A person who violates this subsection is guilty of a misdemeanor and 32 on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding 33 \$10,000 or both.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 35 October 1, 2023.

proved:	
	Governor
	Governor
	President of the Senate
	Speaker of the House of Delegates