

SB0118/193024/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 118
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “**Drunk Driving Offenses – Expungement and the Ignition Interlock System Program**”; strike beginning with “authorizing” in line 6 down through “influence” in line 8 and substitute “requiring the Motor Vehicle Administration to require certain persons who are convicted of, or granted certain probation for, certain drunk driving offenses to participate in the Ignition Interlock System Program for certain periods of time”; and in lines 8 and 9, strike “expungement and shielding” and substitute “drunk driving offenses”; in line 12, strike “, 10–301, and 10–303”; and after line 14, insert:

“BY repealing and reenacting, without amendments,

Article – Transportation

Section 16–404.1(a)(1), (4), and (5), (b)(1), and (d)(1)(ii) and (3)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–404.1(c)(1) and (d)(1)(i)1., (2)(i), and (4)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing

Article – Transportation

Section 16–404.1(d)(1)(i)2.

Annotated Code of Maryland

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BY adding to

Article – Transportation
Section 16–404.1(d)(1)(i)2.
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(2020 Replacement Volume and 2023 Supplement)”.

On page 8, in line 26, strike “October” and substitute “July”.

AMENDMENT NO. 2

On page 2, in line 3, strike the brackets; in the same line, after “21–902” insert “(C), (D), (H), OR (I)”.

On page 4, in line 28, after “**21–902**” insert “(A) OR (B)”; and in line 29, strike “**10**” and substitute “15”.

On page 5, in line 32, after “(i)” insert “EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,”; in line 34, strike “3 years of” and substitute “3 YEARS AFTER”.

On page 6, in line 2, after “crime;” insert:

“(II) THE PETITION IS BASED ON THE ENTRY OF PROBATION BEFORE JUDGMENT FOR A VIOLATION OF § 21–902(A) OR (B) OF THE TRANSPORTATION ARTICLE AND THE PERSON WITHIN 15 YEARS AFTER THE ENTRY OF THE PROBATION BEFORE JUDGMENT HAS:

1. BEEN CONVICTED OF A CRIME OTHER THAN A MINOR TRAFFIC VIOLATION OR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME; OR

2. RECEIVED PROBATION BEFORE JUDGMENT FOR A VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE;

and in line 3, strike “(ii)” and substitute “**(III)**”.

On pages 6 through 8, strike in their entirety the lines beginning with line 11 on page 6 down through line 24 on page 8, inclusive, and substitute:

“Article – Transportation

16-404.1.

(a) (1) In this section the following words have the meanings indicated.

(4) “Participant” means a participant in the Ignition Interlock System Program.

(5) “Program” means the Ignition Interlock System Program.

(b) (1) The Administration shall establish an Ignition Interlock System Program in accordance with this section.

(c) An individual may be a participant if:

(1) The individual’s license is suspended or revoked under § 16-205 of this title for a violation of [§ 21-902(b) or (c)] **§ 21-902(C)** of this article or § 16-404 of this subtitle for an accumulation of points under § 16-402(a)(29) of this subtitle **FOR DRIVING WHILE IMPAIRED BY A DRUG, A COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL;**

(Over)

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(d) (1) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant if:

1. The individual is convicted of, OR IS GRANTED PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR, a violation of § 21-902(a) OR (B) of this article;

[2. The individual is convicted of a violation of § 21-902(b)(2) of this article and the minor who was transported was under the age of 16 years;]

2. THE INDIVIDUAL'S LICENSE IS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE FOR A VIOLATION OF § 21-902(B) OF THIS ARTICLE OR UNDER § 16-404 OF THIS SUBTITLE FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(29) OF THIS SUBTITLE FOR DRIVING WHILE IMPAIRED BY ALCOHOL;

(ii) If an individual is subject to this paragraph and fails to participate in the Program or successfully complete the Program, the Administration shall suspend, notwithstanding § 16-208 of this title, the individual's license until the individual successfully completes the Program.

(2) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant as a condition of modification of a suspension or revocation of a license or issuance of a restricted license if the individual:

1. Is required to be a participant by a court order under [§ 27-107] § 21-902.2 of this article; OR

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2. [Is convicted of a violation of § 21–902(b) of this article and within the preceding 5 years the individual has been convicted of any violation of § 21–902 of this article; or

3.] Was under the age of 21 years on the date of a violation by the individual of:

A. An alcohol restriction imposed under § 16–113(b)(1) of this title; or

B. [§ 21–902(b) or (c)] § 21–902(C) of this article.

(3) Except as provided in § 16–205 of this title, an individual who is subject to this subsection shall participate in the Program for:

(i) 6 months the first time the individual is required under this subsection to participate in the Program;

(ii) 1 year the second time the individual is required under this subsection to participate in the Program; and

(iii) 3 years the third or any subsequent time the individual is required under this subsection to participate in the Program.

(4) Paragraph (3) of this subsection does not limit a longer period of Program participation that is required by:

(i) A court order under [§ 27–107] § 21–902.2 of this article; or

(ii) The Administration in accordance with another provision of this title.”.