

SB 74

~~HB 875~~ Talking Points/Testimony

The goal of this bill is to assure that all defendants who conduct themselves in the same manner by driving under the influence or driving while impaired by alcohol or drugs, regardless of the vehicle utilized, are penalized in the same manner.

Currently, any prior conviction under Transportation Article §21-902, may be used to determine subsequent offender penalties for a new violation of the same article. This means a prior conviction for driving under the influence, driving under the influence per se, driving while impaired by alcohol, driving while impaired by drugs, or driving while impaired by a controlled dangerous substance, counts as a prior conviction. Two years ago, the General Assembly strengthened subsequent offender penalties for these types of convictions under Transportation Article §21-902 (HB 707).

However, prior convictions for operating, or attempting to operate, a vessel while under the influence or impaired do NOT enhance the penalties for a defendant who then drives, or attempts to drive, a vehicle while under the influence or impaired. As a result, a defendant who is convicted of operating a boat or other watercraft while drugged or drunk, is currently only exposed to a first time offender penalty, rather than a subsequent offender penalty, if they are subsequently convicted of driving a car drugged or drunk.

This extremely simple bill will close this loophole and make sure that there is accountability for individuals who choose to operate ANY vehicle while impaired or under the influence. This legislation would level the playing field so that individuals convicted of boating DUI offenses would have the same level of deterrence as those who are repeat vehicle DUI operators.

The current disparity in subsequent offender penalties perpetuates the attitude that operating watercraft while intoxicated is somehow less dangerous, or less serious, than operating a motor vehicle. Both are extremely dangerous activities that can cost lives. Individuals who drive any vehicle, whether on the land or the sea, while impaired or intoxicated should be held accountable for their repeat behavior.