

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1017
Driving Under the Influence of Alcohol – Subsequent Offenders –
Mandatory Ignition Interlock
DATE: March 1, 2023
(3/8)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1017. This bill requires the court as a sentence, part of a sentence, or condition of probation, in addition to any other penalty for a third or subsequent driving under the influence of alcohol violation TR § 21-902(a), to prohibit for at least 2 years a licensed driver in the State, from operating a motor vehicle that is not equipped with an ignition interlock system, and order the person to install an ignition interlock system on the person’s vehicle.

The Judiciary traditionally opposes legislation that includes mandatory penalties. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from considering legislative intent or factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

In addition, at Transportation Article §§ 24-902.4 and 24-902.5, the bill requires and permits courts to order the impoundment of vehicles owned by individuals who are ordered to participate in an ignition interlock system. These impoundment provisions raise due process concerns that the bill does not address. Second, at § 24-902.4(a)(2)(vii) the bill requires courts to “establish a payment schedule” for the costs of an interlock system. Since the systems are provided to individuals by private entities, it is inappropriate for courts to establish payment schedules.

cc. Hon. Barrie Ciliberti
Judicial Council
Legislative Committee
Kelley O’Connor