

10 AN ACT CONCERNING

20 **Drunk Driving Laws**

30 FOR the purpose of making punishments for DWIs
40 stricter and to discourage drunk driving.

50 BY repealing

60 Article-Transportation
70 Section 27-101(j), (k), and (q)
80 Annotated Code of Maryland
90 (1999 Replacement Volume and 2000 Supplement)

100 BY adding to

110 Article-Transportation
120 Section 27-101(j), (k), and (q)
130 Annotated Code of Maryland
140 (1999 Replacement Volume and 2000 Supplement)

150 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE::

160 Article-Transportation

170 § 27-101

180 (j) ~~(1) In this subsection, "imprisonment" includes confinement in an inpatient rehabilitation or~~
190 ~~treatment center.~~

200 ~~(2) A person who is convicted of a violation of § 21-902(a) of this article within 3 years of a~~
210 ~~prior conviction under that subsection is subject to a mandatory minimum penalty of: (i)~~
220 ~~imprisonment for not less than 48 consecutive hours; (ii) Community service for not less than 80~~
230 ~~hours.~~

240 ~~(3) The penalties provided by this subsection are mandatory and are not subject~~
250 ~~to suspension or probation.~~

260 (k) (1) Except as provided in subsection (q) of this section, any person who is convicted, of a
270 violation of any of the provisions of § 21-902(a) of this article ("Driving while intoxicated or
280 intoxicated per se"): (i) For a first offense, shall be subject to a fine of not ~~more~~ LESS than
290 \$1,000, or imprisonment for not more than 1 year, ~~or both~~ AND DRIVER LICENSE
300 SUSPENSION FOR NOT LESS THAN 90 DAYS; (ii) For a second offense, shall be subject to a
310 fine of not ~~more~~ LESS than \$2,000, or imprisonment for not more than 2 years, ~~or both~~ AND
320 DRIVER LICENSE REVOCATION FOR NOT LESS THAN 6 MONTHS; and (iii) For a third
330 or subsequent offense shall be subject to a fine of not ~~more~~ LESS than \$3,000, or imprisonment
340 for not more than 3 years, ~~or both~~ AND DRIVER LICENSE REVOCATION FOR NOT LESS
350 THAN 1 YEAR.

360 (2) For the purpose of second or subsequent offender penalties for violation of § 21-902(a) of
370 this article provided under this subsection, a prior conviction of § 21-902(b),(c), or (d) of this
380 article, within 5 years of the conviction for a violation of § 21-902(a) of this article, shall be
390 considered a conviction of § 21-902(a) of this article.

400 (q) (1) Any person who is convicted of a violation of § 21-902(a) of this article and who, at the
410 time of the offense, was transporting a minor is subject to: (i) For a first offense, a fine of not ~~more~~
420 LESS than \$2,000 or imprisonment for not more than 2 years ~~or both~~ AND DRIVER LICENSE
430 SUSPENSION FOR NOT LESS THAN 180 DAYS; (ii) For a second offense, a fine of not ~~more~~

440 LESS than \$3,000 or imprisonment for not more than 3 years, ~~or both~~ AND DRIVER LICENSE
450 REVOCATION FOR NOT LESS THAN 1 YEAR; and (iii) For a third or subsequent offense, a
460 fine of not ~~more~~ LESS than \$4,000 or imprisonment for not more than 4 years, ~~or both~~ AND
470 DRIVER LICENSE REVOCATION FOR NOT LESS THAN 18 MONTHS.

480 (2) Any person who is convicted of a violation of § 21-902(b), (c), or (d) of this article and
490 who, at the time of the offense, was transporting a minor is subject to: (i) For a first offense, a fine
500 of not ~~more~~ LESS than ~~\$1,000~~ \$2,500 or imprisonment for not more than ~~6~~ 30 months ~~or both~~
510 AND DRIVER LICENSE SUSPENSION FOR NOT LESS THAN 210 DAYS; and (ii) For a
520 second or subsequent offense, a fine of not ~~more~~ LESS than ~~\$2,000~~ \$4,000 or imprisonment for
530 not more than 1 year ~~or both~~ AND DRIVER LICENSE REVOCATION FOR NOT LESS THAN
540 30 MONTHS.

550 (3) For the purpose of determining second or subsequent offender penalties provided under
560 this subsection, a prior conviction of any provision of § 21-902 of this article that subjected a
570 person to the penalties under this subsection shall be considered a prior conviction.

580 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect on October 1,
590 2001.

600 MANDATES: Governor Parris N. Glendening
610 Lieutenant Governor Kathleen Kennedy Townsend
620 President of the Senate Thomas V. "Mike" Miller
630 Speaker of the House Casper R. Taylor Jr.
640 Senator Paula C. Hollinger
650 Senator Patrick J. Hogan
660 Delegate Paul Carlson
670 Delegate Dan K. Morhaim
680 Delegate Joan F. Stern

Sponsor:

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