

A002-0607

10 AN ACT CONCERNING

20 **DUI & DWI Law – Repeat Offenders**

30 FOR the purpose of changing penalties for repeat offenders of drunk driving
40 crimes.

50 BY repealing, and reenacting, with amendments,
60 Article – Transportation
70 27-101(k)(1)
80 Annotated Code of Maryland (2006)

90 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That
100 the Laws of Maryland reads as follows:

110 **§27-101 – Punishment**

120 (k)(1) Except as provided in subsection (q) of this section, any person who is convicted of a
130 violation of any of the provisions of § 21-902(a) of this article (“Driving while under the
140 influence of alcohol or under the influence of alcohol per se”) or § 21-902(d) of this
150 article (“Driving while impaired by controlled dangerous substance”):

160 (i) For a first offense shall be subject to a fine of not more than \$1,000, or
170 imprisonment for not more than 1 year, or both;

180 (ii) For a second offense, shall be subject to a fine of not more than ~~\$2,000~~ \$3,000,
190 ~~OR~~ AND imprisonment for NOT LESS THAN 1 YEAR AND not more than 2
200 years, ~~or both~~; and

210 (iii) For a third offense, shall be subject to a fine of not more than ~~\$3,000~~ \$5,000, ~~or~~
220 AND imprisonment for NOT LESS THAN 2 YEARS AND not more than 3
230 years, ~~or both~~.

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

280 (3) For the purpose of second or subsequent offender penalties for violation of § 21-902(d) of
290 this article provided under this subsection, a prior conviction of § 21-902 (a), (b), or (c)
300 of this article, within 5 years of the conviction for a violation of §21-902(d) of this article,
310 shall be considered a conviction§21-902(d) of this article.

320 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007

330 **MANDATES:** Robert L. Ehrlich, Governor of Maryland
340 Michael Steele, Lieutenant Governor of Maryland
350 Thomas V. Mike Miller, Jr., President of the Senate
360 Mike E. Busch, Speaker of the House of Delegates
370 Nathaniel J. McFadden, Senate Majority Leader
380 J. Lowell Stoltzfus, Senate Minority Leader
390 Kumar P. Barve, House Majority Leader
400 George C. Edwards, House Minority Leader

SPONSOR:

Amanda L. Arkwright
College of Notre Dame of Maryland
aarkwright1@ndm.edu

CO-SPONSORS:

Scott T. Besore, Independent Caucus Leader, University of Maryland, Baltimore County