

HOUSE BILL 371

R3

7lr0170
CF SB 312

By: **The Speaker (By Request – Administration) and Delegates Adams, Afzali, Arentz, Aumann, Beitzel, Carozza, Cassilly, Ciliberti, Clark, Cluster, Flanagan, Folden, Ghrist, Grammer, Hornberger, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McConkey, McKay, McMillan, Metzgar, Miele, Parrott, Reilly, Rey, Rose, Saab, Simonaire, Szeliga, Vogt, West, B. Wilson, and Wivell**

Introduced and read first time: January 25, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Drunk and Drugged Driving – Subsequent Offenders – Felonies**
3 **(Repeat Drunk Driving Offenders Act of 2017)**

4 FOR the purpose of increasing certain penalties for drunk and drugged driving offenses for
5 individuals who have been convicted previously for certain other crimes under
6 certain circumstances; making certain drunk and drugged driving offenses felonies;
7 establishing that the District Court and circuit courts have concurrent jurisdiction
8 over certain drunk and drugged driving offenses; and generally relating to drunk
9 and drugged driving.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 4–301(b)(24) and (25) and 4–302(a) and (d)(1)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2016 Supplement)

15 BY adding to
16 Article – Courts and Judicial Proceedings
17 Section 4–301(b)(26)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2016 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Transportation
22 Section 1–101(c)
23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2015 Replacement Volume and 2016 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Transportation
4 Section 27–101(f), (k), and (q)
5 Annotated Code of Maryland
6 (2012 Replacement Volume and 2016 Supplement)

7 BY adding to
8 Article – Transportation
9 Section 27–116
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2016 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Courts and Judicial Proceedings**

15 4–301.

16 (b) Except as provided in § 4–302 of this subtitle, the District Court also has
17 exclusive original jurisdiction in a criminal case in which a person at least 18 years old or
18 a corporation is charged with:

19 (24) Violation of § 11–721 of Criminal Procedure Article as a second or
20 subsequent offense; [or]

21 (25) Violation of § 11–303(b) of the Criminal Law Article; OR

22 **(26) VIOLATION OF § 21–902 OF THE TRANSPORTATION ARTICLE**
23 **THAT IS PUNISHABLE UNDER § 27–116 OF THE TRANSPORTATION ARTICLE.**

24 4–302.

25 (a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14),
26 (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), [and] (25), AND **(26)** of this subtitle, the
27 District Court does not have jurisdiction to try a criminal case charging the commission of
28 a felony.

29 (d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction
30 of the District Court is concurrent with that of the circuit court in a criminal case:

31 (i) In which the penalty may be confinement for 3 years or more or
32 a fine of \$2,500 or more; or

1 (ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10),
2 (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), [and] (25), **AND (26)**
3 of this subtitle.

4 Article – Transportation

5 1–101.

6 (c) “Any state” means:

7 (1) Any state, possession, or territory of the United States;

8 (2) The District of Columbia; and

9 (3) The Commonwealth of Puerto Rico.

10 27–101.

11 (f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not
12 exceeding 1 year or both, if the person is convicted of:

13 (i) A violation of § 14–103 of this article (“Possession of motor
14 vehicle master key”); or

15 (ii) Except as provided in subsection (q) of this section, a second
16 violation of:

17 1. § 21–902(b) of this article (“Driving while impaired by
18 alcohol”); or

19 2. § 21–902(c) of this article (“Driving while impaired by
20 drugs or drugs and alcohol”).

21 (2) Except as provided in subsection (q) of this section, a person who is
22 convicted of a third [or subsequent] violation of § 21–902(b) or (c) of this article is subject
23 to a fine not exceeding \$3,000 or imprisonment not exceeding 3 years or both.

24 (3) Except as provided in subsection (q) of this section, for the purpose of
25 second or [subsequent] **THIRD** offender penalties for a violation of § 21–902(b) of this article
26 provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a),
27 (c), or (d) of this article shall be considered a conviction of § 21–902(b) of this article.

28 (4) Except as provided in subsection (q) of this section, for the purpose of
29 second or [subsequent] **THIRD** offender penalties for a violation of § 21–902(c) of this article
30 provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a),
31 (b), or (d) of this article shall be considered a conviction of § 21–902(c) of this article.

1 **(5) A PERSON CONVICTED OF A VIOLATION OF § 21-902(B) OR (C) OF**
2 **THIS ARTICLE WHO HAS THREE OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OF**
3 **ANY PROVISION OF § 21-902 OF THIS ARTICLE IS SUBJECT TO THE PENALTIES**
4 **PROVIDED UNDER § 27-116 OF THIS TITLE.**

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

9 (i) For a first offense, shall be subject to a fine of not more than
10 \$1,000, or imprisonment for not more than 1 year, or both;

11 (ii) For a second offense, shall be subject to a fine of not more than
12 \$2,000, or imprisonment for not more than 2 years, or both; and

13 (iii) For a third [or subsequent] offense, shall be subject to a fine of
14 not more than \$3,000, or imprisonment for not more than 3 years, or both.

15 (2) For the purpose of second or [subsequent] **THIRD** offender penalties for
16 violation of § 21-902(a) of this article provided under this subsection, a prior conviction
17 under § 21-902(b), (c), or (d) of this article, within 5 years of the conviction for a violation
18 of § 21-902(a) of this article, shall be considered a conviction under § 21-902(a) of this
19 article.

20 (3) For the purpose of second or [subsequent] **THIRD** offender penalties for
21 violation of § 21-902(d) of this article provided under this subsection, a prior conviction
22 under § 21-902(a), (b), or (c) of this article, within 5 years of the conviction for a violation
23 of § 21-902(d) of this article, shall be considered a conviction under § 21-902(d) of this
24 article.

25 **(4) A PERSON CONVICTED OF A VIOLATION OF § 21-902(A) OR (D) OF**
26 **THIS ARTICLE WHO HAS THREE OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OF**
27 **ANY PROVISION OF § 21-902 OF THIS ARTICLE IS SUBJECT TO THE PENALTIES**
28 **PROVIDED UNDER § 27-116 OF THIS TITLE.**

29 (q) (1) Any person who is convicted of a violation of § 21-902(a)(3) or (d)(2) of
30 this article is subject to:

31 (i) For a first offense, a fine of not more than \$2,000 or
32 imprisonment for not more than 2 years or both;

33 (ii) For a second offense, a fine of not more than \$3,000 or
34 imprisonment for not more than 3 years or both; and

1 (iii) For a third [or subsequent] offense, a fine of not more than
2 \$4,000 or imprisonment for not more than 4 years or both.

3 (2) Any person who is convicted of a violation of § 21-902(b)(2) or (c)(3) of
4 this article is subject to:

5 (i) For a first offense, a fine of not more than \$1,000 or
6 imprisonment for not more than 6 months or both;

7 (ii) For a second offense, a fine of not more than \$2,000 or
8 imprisonment for not more than 1 year or both; and

9 (iii) For a third [or subsequent] offense, a fine of not more than
10 \$4,000 or imprisonment for not more than 4 years or both.

11 (3) For the purpose of determining second or [subsequent] **THIRD** offender
12 penalties provided under this subsection, a prior conviction of any provision of § 21-902 of
13 this article that subjected a person to the penalties under this subsection shall be
14 considered a prior conviction.

15 (4) **A PERSON CONVICTED OF A VIOLATION OF § 21-902(A)(3), (B)(2),**
16 **(C)(3), OR (D)(2) OF THIS ARTICLE WHO HAS THREE OR MORE PRIOR CONVICTIONS**
17 **UNDER § 21-902 OF THIS ARTICLE IS SUBJECT TO THE PENALTIES PROVIDED UNDER**
18 **§ 27-116 OF THIS TITLE.**

19 **27-116.**

20 (A) **A PERSON WHO VIOLATES ANY PROVISION OF § 21-902 OF THIS ARTICLE**
21 **IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
22 **EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH IF THE PERSON**
23 **HAS PREVIOUSLY BEEN CONVICTED OF:**

24 (1) **THREE OR MORE VIOLATIONS OF ANY PROVISION OF § 21-902 OF**
25 **THIS ARTICLE; OR**

26 (2) **A VIOLATION OF § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, §**
27 **2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.**

28 (B) **FOR THE PURPOSES OF THIS SECTION, A CONVICTION FOR A CRIME**
29 **UNDER THE LAWS OF ANY STATE OR THE UNITED STATES THAT WOULD BE A CRIME**
30 **INCLUDED IN SUBSECTION (A) OF THIS SECTION IF COMMITTED IN THIS STATE**
31 **SHALL BE CONSIDERED A PRIOR CONVICTION UNDER SUBSECTION (A) OF THIS**
32 **SECTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.