

HOUSE BILL 711

R3

8lr1099

By: **Delegates Ciliberti, Barkley, Corderman, Frush, Glass, Grammer, Jalisi, Kramer, Krebs, Long, Malone, McComas, McConkey, McKay, Metzgar, W. Miller, Morhaim, Parrott, Rey, Saab, Shoemaker, Valentino-Smith, and P. Young**

Introduced and read first time: January 31, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Driving While Impaired by Alcohol – Transporting a Minor – Penalties**

3 FOR the purpose of increasing certain penalties for certain convictions of driving while
4 impaired by alcohol while transporting a minor; and generally relating to penalties
5 for driving while impaired by alcohol.

6 BY repealing and reenacting, with amendments,

7 Article – Transportation

8 Section 21–902(b)

9 Annotated Code of Maryland

10 (2012 Replacement Volume and 2017 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Transportation**

14 21–902.

15 (b) (1) (i) A person may not drive or attempt to drive any vehicle while
16 impaired by alcohol.

17 (ii) A person convicted of a violation of this paragraph is subject to:

18 1. For a first offense, imprisonment not exceeding 2 months
19 or a fine not exceeding \$500 or both;

20 2. For a second offense, imprisonment not exceeding 1 year

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or a fine not exceeding \$500 or both; and

2 3. For a third or subsequent offense, imprisonment not
3 exceeding 3 years or a fine not exceeding \$3,000 or both.

4 (iii) For the purpose of determining subsequent offender penalties for
5 a violation of this paragraph, a prior conviction under this subsection or subsection (a), (c),
6 or (d) of this section shall be considered a prior conviction.

7 (2) (i) A person may not violate paragraph (1) of this subsection while
8 transporting a minor.

9 (ii) A person convicted of a violation of this paragraph is subject to:

10 1. For a first offense, imprisonment not exceeding [6 months]
11 **1 YEAR** or a fine not exceeding \$1,000 or both;

12 2. For a second offense, imprisonment not exceeding [1 year]
13 **2 YEARS** or a fine not exceeding \$2,000 or both; and

14 3. For a third or subsequent offense, imprisonment not
15 exceeding 4 years or a fine not exceeding \$4,000 or both.

16 (iii) For the purpose of determining subsequent offender penalties for
17 a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2),
18 (c)(2), or (d)(2) of this section shall be considered a prior conviction.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2018.