

HOUSE BILL 733

R3

4lr1622

By: **Delegate Dwyer**

Introduced and read first time: January 31, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk Driving – State Officials – Mandatory Minimum Sentence**

3 FOR the purpose of requiring that certain State officials who are convicted of certain
4 alcohol-related driving offenses be subject to a certain mandatory minimum
5 sentence; defining a certain term; and generally relating to a mandatory
6 minimum sentence for a State official who is convicted of certain alcohol-related
7 driving offenses.

8 BY repealing and reenacting, without amendments,
9 Article – Transportation
10 Section 21-902(a) and (b)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2013 Supplement)

13 BY adding to
14 Article – Transportation
15 Section 27-101(ff)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2013 Supplement)

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

20 **Article – Transportation**

21 21-902.

22 (a) (1) A person may not drive or attempt to drive any vehicle while under
23 the influence of alcohol.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) A person may not drive or attempt to drive any vehicle while the
2 person is under the influence of alcohol per se.

3 (3) A person may not violate paragraph (1) or (2) of this subsection
4 while transporting a minor.

5 (b) (1) A person may not drive or attempt to drive any vehicle while
6 impaired by alcohol.

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

9 27–101.

10 (FF) (1) IN THIS SECTION, “STATE OFFICIAL” MEANS:

11 (I) THE GOVERNOR;

12 (II) THE LIEUTENANT GOVERNOR;

13 (III) A CONSTITUTIONAL OFFICER IN AN EXECUTIVE UNIT;

14 (IV) A MEMBER OF THE GENERAL ASSEMBLY;

15 (V) A JUDGE OF A COURT UNDER ARTICLE IV, § 1 OF THE
16 MARYLAND CONSTITUTION;

17 (VI) A STATE’S ATTORNEY; OR

18 (VII) A SHERIFF.

19 (2) A STATE OFFICIAL WHO IS CONVICTED OF A VIOLATION OF
20 ANY OF THE PROVISIONS OF § 21–902(A) OR (B) OF THIS ARTICLE (“DRIVING
21 WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE” OR
22 “DRIVING WHILE IMPAIRED BY ALCOHOL”):

23 (I) IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF
24 IMPRISONMENT FOR 60 DAYS OR 30 WEEKENDS; AND

25 (II) SHALL BE ORDERED BY THE COURT TO:

26 1. SUCCESSFULLY COMPLETE AN INPATIENT
27 ALCOHOL REHABILITATION PROGRAM OF 28 DAYS’ DURATION CERTIFIED BY

1 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR APPROVED BY THE
2 COURT;

3 2. SUCCESSFULLY COMPLETE AN OUTPATIENT
4 ALCOHOL REHABILITATION PROGRAM OF 28 WEEKS' DURATION CERTIFIED BY
5 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR APPROVED BY THE
6 COURT;

7 3. SUCCESSFULLY COMPLETE THE IGNITION
8 INTERLOCK SYSTEM PROGRAM OF 18 MONTHS' DURATION;

9 4. NOT ENTER AN ESTABLISHMENT THAT SERVES
10 ALCOHOL FOR 3 YEARS;

11 5. NOT ATTEND A POLITICAL EVENT, RECEPTION, OR
12 FUND-RAISER WHERE ALCOHOL IS SERVED FOR 3 YEARS; AND

13 6. SUCCESSFULLY COMPLETE 3 YEARS OF
14 SUPERVISED PROBATION.

15 (3) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW
16 ARTICLE, THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY SENTENCE
17 REQUIRED BY THIS SUBSECTION OR SUSPEND THE MANDATORY SENTENCE
18 REQUIRED BY THIS SUBSECTION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2014.