

HB1342/162419/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1342, AS AMENDED  
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 7, after “participation;” insert “requiring a court to order a person to participate in the Program under certain circumstances;”.

AMENDMENT NO. 2

On page 2 of the bill, after line 17, insert:

“BY adding to

Article – Transportation

Section 27-107.1

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

On page 5 of the bill in line 15, and on page 7 of the bill in line 5, in each instance, after “of” insert “:

**(I) A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;**

**(II) A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR**

**(III) A**”.

(Over)

On page 3 of the House Judiciary Committee Amendments (HB1342/332410/1), in line 3 of Amendment No. 5, strike "A"; and in line 8 of Amendment No. 5, strike "AND".

On page 6 of the bill, in line 1, after "3." insert "THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD; AND

4.";

and in line 7, after "of" insert ":

A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR

B. A".

On page 3 of the House Judiciary Committee Amendments, in line 10 of Amendment No. 5, strike "A".

On page 6 of the bill, strike beginning with "The" in line 24 down through "3." in line 26; and in line 29, strike "4." and substitute "3.".

On page 7 of the bill, in line 23, after "from" insert ":

1. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE

**PERSON WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;**

**2. WORK**;

in line 29, after “of” insert “:

**A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR**

**B. A**”.

On page 3 of the House Judiciary Committee Amendments, in line 22 of Amendment No. 5, strike “A”; and in line 20 of Amendment No. 5, strike “WORK”.

On page 8 of the bill, in lines 10, 20, and 34, and on page 9, in line 13, in each instance, strike “more than 1 year” and substitute “LESS THAN THE PERIOD REQUIRED UNDER § 16-404.1 OF THIS TITLE”.

On page 8 of the bill, strike beginning with “more” in line 14 down through “year” in line 15 and substitute “LESS THAN THE PERIOD REQUIRED UNDER § 16-404.1 OF THIS TITLE”.

On page 9 of the bill, in line 25, after the second “of” insert “§ 21-902(A) OR (D)”.

On page 4 of the House Judiciary Committee Amendments, in line 3 of Amendment No. 5, strike “§ 21-902(D)”.

AMENDMENT NO. 4

(Over)

On page 4 of the House Judiciary Committee Amendments, in line 2 of Amendment No. 6, strike "180" and substitute "270".

AMENDMENT NO. 5

On page 14 of the bill, in line 7 strike "and"; and in line 11, after "violation" insert "; AND

(VI) ADVISE THE PERSON THAT A COURT SHALL IMPOSE PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM AS PART OF THE SENTENCE IN ACCORDANCE WITH § 27-107.1 OF THIS ARTICLE".

On page 6 of the House Judiciary Committee Amendments, in line 14 of Amendment No. 9, strike "OR".

On page 7 of the House Judiciary Committee Amendments, in line 11 of Amendment No. 9, after "ALCOHOL" insert "; OR

5. THE INDIVIDUAL IS REQUIRED TO BE A PARTICIPANT BY A COURT ORDER UNDER § 27-107.1 OF THIS ARTICLE".

On page 37 of the bill, after line 16, insert:

"27-107.1.

(A) IN THIS SECTION, "TEST" HAS THE MEANING STATED IN § 16-205.1 OF THIS ARTICLE.

(B) IF A PERSON IS CONVICTED OF A VIOLATION UNDER § 21-902(B) OR (C) OF THIS ARTICLE AND THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE PERSON REFUSED TO TAKE A TEST ARISING OUT OF THE SAME

CIRCUMSTANCES AS THE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE FOR 1 YEAR.

(C) THE PENALTY PROVIDED IN THIS SECTION SHALL BE:

(1) IN ADDITION TO ANY OTHER CRIMINAL PENALTY FOR A VIOLATION OF § 21-902(B) OR (C) OF THIS ARTICLE;

(2) CONCURRENT WITH ANY OTHER PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ORDERED BY THE ADMINISTRATION UNDER ANY OTHER PROVISION OF THIS ARTICLE.

(D) IF A PERSON SUBJECT TO THIS SECTION PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-205.1 OF THIS ARTICLE, THE PERSON SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ARISING OUT OF THE SAME INCIDENT REQUIRED UNDER THIS SECTION.”.

AMENDMENT NO. 6

On page 16 of the bill, in line 4, strike “ineligible” and substitute “ELIGIBLE”; and in line 5, strike “under”.

On page 5 of the House Judiciary Committee Amendments, in line 14 of Amendment No. 7, strike “SUBSECTION (O) OF THIS SECTION”.

On page 29 of the bill, in line 22, after “0.15” insert “AND DID NOT ELECT TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM”.