

Drunk and Drugged Driving

Drunk Driving Reduction Act of 2016 – (Noah's Law): SB 945 requires the Motor Vehicle Administration (MVA) to require a person to participate in the Ignition Interlock System Program (program) if a person is convicted of (1) driving under the influence of alcohol or under the influence of alcohol *per se* or (2) homicide or by motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol. The person must participate in the program for 6 months the first time the individual is required to participate, 1 year the second time the individual is required to participate, and 3 years the third or subsequent time the individual is required to participate. The driver's license will be suspended indefinitely until the person successfully completes the program.

The bill also requires a court to order a person to participate in the program for 1 year, as part of the criminal sentence, if a person is convicted of (1) driving while impaired by alcohol (§ 21-902 (b) of the Transportation Article) or (2) driving while impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol (§ 21-902 (c) of the Transportation Article) and the trier of fact finds that the person refused a test.

This additional criminal penalty is required to be imposed concurrent with any other participation in the program ordered by the MVA under any other provision of law. If a person participates in the program under the administrative *per se* law (§ 16-205.1 of the Transportation Article), the person shall receive credit toward the length of participation in the program arising out of the same incident. The person faces an indefinite license suspension by the MVA until the person successfully completes the program.

The bill also increases the periods of license suspension required to be imposed by MVA for administrative *per se* offenses. The suspension period for an administrative *per se* offense of a test result of 0.08 to 0.14 is 180 days. Instead of requesting a hearing or upon a suspension or revocation, a licensed driver may participate in the program for 180 days instead of having the driver's license suspended.

The suspension periods for a test result of 0.15 or more are 180 days for a first offense and 270 days for a second or subsequent offense. Instead of requesting a hearing or upon a suspension or revocation, a licensed driver may participate in the program for 1 year instead of having the driver's license suspended.

The bill also increases the suspension periods for a test refusal to 270 days for a first offense and 2 years for a second or subsequent offense. Instead of requesting a hearing or upon a suspension or revocation, a licensed driver may participate in the program for 1 year instead of having the driver's license suspended.

**Comparison of Current Administrative *Per Se* Suspension Penalties to Increased
Administrative *Per Se* Suspension Penalties Under SB 945**

	BAC at or Above 0.08		BAC at or Above 0.15		Test Refusal	
	Current	SB 945	Current	SB 945	Current	SB 945
First Offense	45 days	180 days	90 days	180 days	120 days	270 days
Second or Subsequent Offense	90 days	180 days	180 days	270 days	1 year	2 years

Source: Department of Legislative Services

BAC = Blood Alcohol Concentration

Death or Life-Threatening Injury by Motor Vehicle or Vessel – Subsequent Offenders – Penalties: HB 157 and SB 160 establish subsequent offender offenses and more stringent penalties for those who commit the following violations: (1) manslaughter by vehicle or vessel – gross negligence; (2) manslaughter by vehicle or vessel – criminal negligence; (3) homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol *per se*; (4) homicide by motor vehicle or vessel while impaired by alcohol; (5) homicide by motor vehicle or vessel while impaired by drugs; (6) homicide by motor vehicle or vessel while impaired by CDS; and (7) causing life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol *per se*, or while impaired by alcohol, drugs, or a CDS.

Maximum Penalties to Enhanced Maximum Penalties Under HB 157/SB 160

Offense	Maximum Penalties if Previously Convicted of Any Specified Offense		
		Imprisonment	Fine
Manslaughter by vehicle or vessel – gross negligence	felony	15 years	\$10,000
Manslaughter by vehicle or vessel – criminal negligence	misdemeanor	5 years	\$10,000
Homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol <i>per se</i>	felony	10 years	\$10,000
Homicide by motor vehicle or vessel while impaired by alcohol	felony	5 years	\$10,000
Homicide by motor vehicle or vessel while impaired by drugs	felony	5 years	\$10,000
Homicide by motor vehicle or vessel while impaired by a CDS	felony	5 years	\$10,000
Causing life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol <i>per se</i> or while impaired by a CDS	misdemeanor	5 years	\$10,000
Causing life-threatening injury by motor vehicle or vessel while impaired by alcohol or drugs	misdemeanor	5 years	\$10,000

Note: Maximum penalties apply under the bill if previously convicted of the same offense; any other offense listed in this exhibit; or driving while under the influence of alcohol, while under the influence of alcohol *per se*, while impaired by alcohol, while impaired by drugs or drugs and alcohol, or while impaired by a CDS.

Source: Department of Legislative Services

Drunk and Drugged Driving – Evidence of Blood Test: HB 773 removes a defendant's right to call the qualified medical person who conducted a blood test to be present and testify at trial. Instead, testimony from a law enforcement officer who testifies that the officer witnessed the taking of the blood specimen, and reasonably believed the person was a qualified medical person, is sufficient evidence that the person was a qualified medical person. The bill also alters the definition of "qualified medical person" to include any person permitted to withdraw blood from a human who uses specified equipment approved by State law.

Providing Alcohol to Underage Drinkers – Penalties (Alex and Calvin's Law): HB 409 prohibits an adult from (1) knowingly and willfully allowing an individual under 21 years old to possess or consume an alcoholic beverage at a residence that the adult owns or leases and in which the adult resides or (2) furnishing an alcoholic beverage to an individual under 21 years old for the purpose of consumption by that individual, if in either instance the adult knew or reasonably should have known that the individual would operate a motor vehicle and the individual did operate a motor vehicle while under the influence of alcohol or while impaired by alcohol and caused serious physical injury or death to the individual or another. A violation is a misdemeanor with a penalty of imprisonment for up to 1 year and/or a fine of up to \$5,000.