

(2) For the purpose of second or subsequent offender penalties for a violation of § 21-902(b) of this article provided under this subsection, a prior conviction of § 21-902(a) of this article ("Driving while intoxicated") shall be considered a conviction of § 21-902(b) of this article.

(j) (1) In this subsection, "imprisonment" includes confinement in an inpatient rehabilitation or treatment center.

(2) A person who is convicted of a violation of § 21-902(a) of this article within 3 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of:

- (i) Imprisonment for not less than 48 consecutive hours; or
- (ii) Community service for not less than 80 hours.

(3) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.

(k) (1) Any person who is convicted of a violation of any of the provisions of § 21-902(a) of this article ("Driving while intoxicated"):

- (i) For a first offense, shall be subject to a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both;
- (ii) For a second offense, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than 2 years, or both; and
- (iii) For a third or subsequent offense, shall be subject to a fine of not more than \$3,000, or imprisonment for not more than 3 years, or both.

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

Article - Courts and Judicial Proceedings

10-307.

(a) (1) In a proceeding in which a person is charged with a violation of Article 27, § 388 or § 388A of the Code, or with driving or attempting to drive a vehicle in violation of § 16-113(a)(2), § 16-813, or § 21-902 of the Transportation Article, the amount of alcohol in the person's breath or blood shown by analysis as provided in this subtitle is admissible in evidence and has the effect set forth in subsections (b) through (e) of this section.

- (2) Alcohol concentration as used in this section shall be measured by:
- (i) Grams of alcohol per 100 milliliters of blood; or
 - (ii) Grams of alcohol per 210 liters of breath.