

Article 27 - Crimes and Punishments

388A.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Intoxicated UNDER THE INFLUENCE per se" means an alcohol concentration at the time of testing of [0.10] 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(ii) If the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(3) "[Under the influence of] IMPAIRED BY alcohol" has the meaning indicated in and is subject to the same presumptions and evidentiary rules of § 10-307 of the Courts Article regarding driving while [under the influence of] IMPAIRED BY alcohol under § 21-902(b) of the Transportation Article.

(4) "[Under the influence of] IMPAIRED BY drugs" means so far [under the influence of] IMPAIRED BY a drug, a combination of drugs, or a combination of one or more drugs and alcohol that a person cannot drive, operate, or control a motor vehicle or vessel safely.

(5) "[Under the influence of] IMPAIRED BY a controlled dangerous substance" means [under the influence of] IMPAIRED BY a controlled dangerous substance, as that term is defined in § 279 of this article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(b) Any person causing the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while [intoxicated or intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL per se is guilty of a felony to be known as "homicide by motor vehicle or vessel while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL PER SE", and the person so convicted shall be punished by imprisonment for not more than 5 years, or by fine of not more than \$5,000 or both fine and imprisonment.

(c) A person who causes the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while [under the influence of alcohol] IMPAIRED BY ALCOHOL is guilty of a felony to be known as "homicide by motor vehicle or vessel while [under the influence] IMPAIRED BY ALCOHOL", and on conviction shall be punished by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(d) (1) A person who causes the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while [under the influence of] IMPAIRED BY drugs is guilty of a felony to be known as "homicide by motor vehicle or vessel while [under the influence of] IMPAIRED BY drugs", and on conviction shall be punished by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.