

provided under paragraph (1) of this subsection, a prior conviction of § 21-902(a), § 21-902(c), or § 21-902(d) of this article shall be considered a conviction of § 21-902(b) of this article.

(3) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21-902(c) of this article provided under paragraph (1) of this subsection, a prior conviction of § 21-902(a), § 21-902(b), or § 21-902(d) of this article shall be considered a conviction of § 21-902(c) of this article.

(4) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21-902(d) of this article provided under paragraph (1) of this subsection, a prior conviction of § 21-902(a), § 21-902(b), or § 21-902(c) of this article shall be considered a conviction of § 21-902(d) of this article.

(j) (2) A person who is convicted of a violation of § 21-902(a) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of:

(i) Imprisonment for not less than 5 days; or

(ii) Community service for not less than 30 days.

(3) A person who is convicted of a third or subsequent offense under § 21-902(a) of this article within 5 years is subject to a mandatory minimum penalty of:

(i) Imprisonment for not less than 10 days; or

(ii) Community service for not less than 60 days.

(4) A person who is convicted of an offense under § 21-902(a) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive alcohol abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol program certified by the Department of Health and Mental Hygiene as ordered by the court.

(k) (1) Except as provided in subsection (q) of this section, any person who is convicted of a violation of any of the provisions of § 21-902(a) of this article ("Driving while under the influence of alcohol or under the influence of alcohol per se"):

(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.

(q) (1) Any person who is convicted of a violation of § 21-902(a) of this article and who, at the time of the offense, was transporting a minor is subject to: