

(2) A person who is convicted of a violation of [~~§ 21-902(a)~~] ~~§ 21-902 of § 21-902(A) OF~~ this article within 5 years after a prior conviction under that ~~[subsection]~~ SECTION is subject to a mandatory minimum penalty of[:] IMPRISONMENT FOR NOT LESS THAN 5 DAYS.

(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)~~] ~~§ 21-902 of § 21-902(A) OF~~ this article within 5 years is subject to a mandatory minimum penalty of[:] IMPRISONMENT FOR NOT LESS THAN 10 DAYS.

(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)~~] ~~§ 21-902 of § 21-902(A) OF~~ this article within 5 years of a prior conviction of any offense under that ~~[subsection]~~ SECTION shall be required by the court to:

(i) Undergo a comprehensive alcohol ~~OR DRUG~~ abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol ~~OR DRUG ABUSE~~ program ~~certified by the Department of Health and Mental Hygiene~~ as ordered by the court THAT IS:

1. CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

2. CERTIFIED BY AN AGENCY IN AN ADJACENT STATE THAT POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; OR

3. APPROVED BY THE COURT.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

Approved May 13, 2003.