

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) (1) In this subsection, "imprisonment" includes confinement in:

(i) An inpatient rehabilitation or treatment center; or

(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(2) (I) 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 imprisonment for not less than 5 days.

[(3)] (II) 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 imprisonment for not less than 10 days.

(3) (I) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 5 DAYS.

(II) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE UNDER § 21-902(D) OF THIS ARTICLE WITHIN 5 YEARS IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 10 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 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 has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.