

(ii) For a second offense, a fine of not more than \$3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21-902(b)[, § 21-902(c), or § 21-902(d)] OR (C) of this article and who, at the time of the offense, was transporting a minor is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(ii) For a second or subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(3) For the purpose of determining second or subsequent offender penalties provided under this subsection, a prior conviction of any provision of § 21-902 of this article that subjected a person to the penalties under this subsection shall be considered a prior conviction.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

Approved May 11, 2004.

CHAPTER 335

(House Bill 376)

AN ACT concerning

Probation before Judgment - ~~Driving While Impaired by or under the Influence of Alcohol and Drugs~~ Evaluation Required Alcohol- or Drug-Related Offenses - Evaluation

FOR the purpose of ~~requiring~~ authorizing a court, before imposing a period of probation ~~before judgment~~ in a case where judgment is being stayed for certain alcohol- or drug-related ~~driving~~ offenses, to order the Department of Health and Mental Hygiene to evaluate the defendant as to whether the defendant needs or would benefit from certain treatment; requiring the court to review the evaluation ~~prior to~~ before imposing a period of probation; and generally relating to probation before judgment ~~in cases involving driving while impaired by or under the influence of alcohol and drugs~~ for certain alcohol- or drug-related offenses.

BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 6-220

Annotated Code of Maryland