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By: **Delegates Franchot, Hixson, Heller, Cryor, Bronrott, Shriver, and Barkley**

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Reckless Endangerment - Place in Fear by Use of Handgun**

3 FOR the purpose of providing that it is the misdemeanor of reckless endangerment if  
4 a person uses a handgun to place the person's spouse, parent, or child in fear of  
5 death or serious physical injury; imposing certain penalties for this offense,  
6 including a mandatory minimum penalty; and generally relating to the  
7 misdemeanor of reckless endangerment.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 12A-2  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 27 - Crimes and Punishments**

16 12A-2.

17 (a) (1) Any person who recklessly engages in conduct that creates a  
18 substantial risk of death or serious physical injury to another person is guilty of the  
19 misdemeanor of reckless endangerment and on conviction is subject to a fine of not  
20 more than \$5,000 or imprisonment for not more than 5 years or both.

21 (2) Subject to the provisions of subsection (b) of this section, any person  
22 who recklessly discharges a firearm from a motor vehicle in such a manner that it  
23 creates a substantial risk of death or serious physical injury to another person is  
24 guilty of the misdemeanor of reckless endangerment and on conviction is subject to a  
25 fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

26 (b) (1) Subsection (a)(1) of this section does not apply to any conduct  
27 involving:

1 (i) The use of a motor vehicle as defined in § 11-135 of the  
2 Transportation Article; or

3 (ii) The manufacture, production, or sale of any product or  
4 commodity.

5 (2) Subsection (a)(2) of this section does not apply to any conduct  
6 involving:

7 (i) A law enforcement officer or security guard in the performance  
8 of the officer's or security guard's official duty; or

9 (ii) An individual acting in defense of a crime of violence.

10 (C) (1) A PERSON WHO USES A HANDGUN TO PLACE THE PERSON'S SPOUSE,  
11 PARENT, OR CHILD IN FEAR OF DEATH OR SERIOUS PHYSICAL INJURY IS GUILTY OF  
12 THE MISDEMEANOR OF RECKLESS ENDANGERMENT AND IS SUBJECT TO  
13 IMPRISONMENT OF NOT LESS THAN 1 YEAR NOR MORE THAN 5 YEARS.

14 (2) IT IS MANDATORY UPON THE COURT TO IMPOSE NO LESS THAN THE  
15 MINIMUM SENTENCE OF 1 YEAR.

16 [(c)] (D) If more than one person is endangered by the conduct of the  
17 defendant, a separate charge may be brought for each person endangered.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2000.