
By: **Chairman, Judiciary Committee and Delegate Grosfeld**

Introduced and read first time: January 18, 2002

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2002

CHAPTER 44

1 AN ACT concerning

2 **Criminal Law - Homicide, Life-Threatening Injury, and Reckless**
3 **Endangerment**

4 FOR the purpose of correcting certain matters identified during statutory revision;
5 providing statutory charging documents for homicide by motor vehicle or vessel
6 while under the influence of alcohol per se, life-threatening injury by motor
7 vehicle or vessel while under the influence of alcohol per se, and reckless
8 endangerment; making conforming and stylistic changes; clarifying the meaning
9 of the term "crime of violence" for purposes of describing conduct that is not
10 criminal reckless endangerment; and generally relating to homicide,
11 life-threatening injury, and reckless endangerment.

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 2-507, 3-204(c), 3-206, and 3-212
15 Annotated Code of Maryland
16 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
17 2002)

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

20 **Article - Criminal Law**

21 2-507.

22 (a) An indictment, information, or other charging document for a crime under
23 this subtitle is sufficient if it substantially states:

1 (1) "(name of defendant) on (date) in (county) committed homicide by
2 motor vehicle or vessel while under the influence of alcohol by killing (name of victim)
3 against the peace, government, and dignity of the State.";

4 (2) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED
5 HOMICIDE BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF
6 ALCOHOL PER SE BY KILLING (NAME OF VICTIM) AGAINST THE PEACE,
7 GOVERNMENT, AND DIGNITY OF THE STATE.";

8 [(2)] (3) "(name of defendant) on (date) in (county) committed homicide
9 by motor vehicle or vessel while impaired by alcohol by killing (name of victim)
10 against the peace, government, and dignity of the State.";

11 [(3)] (4) "(name of defendant) on (date) in (county) committed homicide
12 by motor vehicle or vessel while impaired by drugs by killing (name of victim) against
13 the peace, government, and dignity of the State."; or

14 [(4)] (5) "(name of defendant) on (date) in (county) committed homicide
15 by motor vehicle or vessel while impaired by a controlled dangerous substance by
16 killing (name of victim) against the peace, government, and dignity of the State.".

17 (b) An indictment, information, or other charging document for a crime under
18 this subtitle need not set forth the manner or means of death.

19 3-204.

20 (c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

21 (i) the use of a motor vehicle, as defined in § 11-135 of the
22 Transportation Article; or

23 (ii) the manufacture, production, or sale of a product or commodity.

24 (2) Subsection (a)(2) of this section does not apply to:

25 (i) a law enforcement officer or security guard in the performance
26 of an official duty; or

27 (ii) an individual acting in defense of a crime of violence AS
28 DEFINED IN ARTICLE 27, § 441 OF THE CODE.

29 3-206.

30 (a) An indictment, information, other charging document, or warrant for a
31 crime described in § 3-202, § 3-203, [§ 3-204,] or § 3-205 of this subtitle is sufficient
32 if it substantially states: "(name of defendant) on (date) in (county) assaulted (name of
33 victim) in the degree or (describe other violation) in violation of (section violated)
34 against the peace, government, and dignity of the State.".

35 (b) If the general form of indictment or information described in subsection (a)
36 of this section is used to charge a crime described in § 3-202, § 3-203, [§ 3-204,] or

1 § 3-205 of this subtitle in a case in the circuit court, the defendant, on timely demand,
2 is entitled to a bill of particulars.

3 (c) A charge of assault in the first degree also charges a defendant with
4 assault in the second degree.

5 (d) (1) To be found guilty of reckless endangerment under § 3-204 of this
6 subtitle, a defendant must be charged specifically with reckless endangerment.

7 (2) A CHARGING DOCUMENT FOR RECKLESS ENDANGERMENT UNDER §
8 3-204 OF THIS SUBTITLE IS SUFFICIENT IF IT SUBSTANTIALLY STATES: "(NAME OF
9 DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED RECKLESS ENDANGERMENT IN
10 VIOLATION OF § 3-204 OF THE CRIMINAL LAW ARTICLE AGAINST THE PEACE,
11 GOVERNMENT, AND DIGNITY OF THE STATE."

12 (3) If more than one individual is endangered by the conduct of the
13 defendant, a separate charge may be brought for each individual endangered.

14 [(3)] (4) A charging document containing a charge of reckless
15 endangerment under § 3-204 of this subtitle may:

16 (i) include a count for each individual endangered by the conduct of
17 the defendant; or

18 (ii) contain a single count based on the conduct of the defendant,
19 regardless of the number of individuals endangered by the conduct of the defendant.

20 (5) IF THE GENERAL FORM OF CHARGING DOCUMENT DESCRIBED IN
21 PARAGRAPH (2) OF THIS SUBSECTION IS USED TO CHARGE RECKLESS
22 ENDANGERMENT UNDER § 3-204 OF THIS SUBTITLE IN A CASE IN THE CIRCUIT
23 COURT, THE DEFENDANT, ON TIMELY DEMAND, IS ENTITLED TO A BILL OF
24 PARTICULARS.

25 3-212.

26 (a) An indictment, information, or other charging document for a crime
27 described in § 3-211 of this subtitle is sufficient if it substantially states:

28 (1) "(name of defendant) on (date) in (county), caused a life-threatening
29 injury to (name of victim) while under the influence of alcohol, in violation of [§
30 3-211(c)] § 3-211(C)(1)(I) of the Criminal Law Article against the peace, government,
31 and dignity of the State.";

32 (2) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY), CAUSED A
33 LIFE-THREATENING INJURY TO (NAME OF VICTIM) WHILE UNDER THE INFLUENCE
34 OF ALCOHOL PER SE, IN VIOLATION OF § 3-211(C)(1)(II) OF THE CRIMINAL LAW
35 ARTICLE AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.";

36 [(2)] (3) "(name of defendant) on (date) in (county), caused a
37 life-threatening injury to (name of victim) while impaired by alcohol, in violation of §

1 3-211(d) of the Criminal Law Article against the peace, government, and dignity of
2 the State.";

3 [(3)] (4) "(name of defendant) on (date) in (county), caused a
4 life-threatening injury to (name of victim) while impaired by drugs, in violation of §
5 3-211(e) of the Criminal Law Article against the peace, government, and dignity of
6 the State."; or

7 [(4)] (5) "(name of defendant) on (date) in (county) caused a
8 life-threatening injury to (name of victim) while impaired by a controlled dangerous
9 substance, in violation of § 3-211(f) of the Criminal Law Article against the peace,
10 government, and dignity of the State."

11 (b) An indictment, information, or other charging document for a crime
12 described in § 3-211 of this subtitle[,] need not set forth the manner or means of the
13 life-threatening injury.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.