

SENATE BILL 11

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R3
SB 516/03 - JPR

2004 Regular Session
4lr0821
CF 4lr0337

(PRE-FILED)

By: ~~Senators Harris and Giannetti, Giannetti, Astle, Britt, Forehand, Hafer,~~
~~Jacobs, Jimeno, Middleton, Munson, Ruben, Teitelbaum, and Green~~

Requested: October 30, 2003
Introduced and read first time: January 14, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Alcohol- or Drug-Related Crimes - Prohibitions Against Causing Serious**
3 **Physical Definition of Life-Threatening Injury**

4 FOR the purpose of ~~changing certain alcohol or drug related crimes from certain~~
5 ~~prohibitions against causing a life threatening injury to another person to~~
6 ~~certain prohibitions against causing serious physical injury to another person;~~
7 ~~providing for certain penalties; making conforming changes; making stylistic~~
8 ~~changes; and generally relating to establishing certain criminal prohibitions~~
9 ~~against causing a serious physical injury to another person under certain~~
10 ~~circumstances defining "life-threatening injury" as it relates to certain offenses;~~
11 ~~prohibiting a person from causing a life-threatening injury to another as a~~
12 ~~result of negligent operation of a motor vehicle or vessel while under the~~
13 ~~influence or impaired by alcohol, drugs, a combination of drugs and alcohol, or~~
14 ~~controlled dangerous substances under certain circumstances; and generally~~
15 ~~relating to crimes prohibiting a person from causing a life-threatening injury to~~
16 ~~another as a result of negligent operation of a motor vehicle or vessel while~~
17 ~~under the influence or impaired by alcohol, drugs, a combination of drugs and~~
18 ~~alcohol, or controlled dangerous substances.~~

19 BY repealing and reenacting, ~~without~~ with amendments,
20 Article - Criminal Law
21 Section ~~3-201(a) and (c)~~ 3-201
22 Annotated Code of Maryland
23 (2002 Volume and 2003 Supplement)

24 BY repealing and reenacting, with ~~without~~ amendments,

1 Article - Criminal Law
 2 Section 3-211(c), (d), (e), and (f) and 3-212
 3 Annotated Code of Maryland
 4 (2002 Volume and 2003 Supplement)

5 BY repealing and reenacting, with amendments,

6 Article - Transportation
 7 Section 16-205.1(c)(1)
 8 Annotated Code of Maryland
 9 (2002 Replacement Volume and 2003 Supplement)

10 BY repealing and reenacting, ~~with~~ without amendments,

11 Article - Transportation
 12 Section ~~16-205.1(e)(1)~~ and 16-402(a)(32)
 13 Annotated Code of Maryland
 14 (2002 Replacement Volume and 2003 Supplement)

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

17 **Article - Criminal Law**

18 3-201.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) "Assault" means the crimes of assault, battery, and assault and battery,
 21 which retain their judicially determined meanings.

22 (C) "LIFE-THREATENING INJURY" MEANS PHYSICAL INJURY THAT CREATES A
 23 SUBSTANTIAL RISK OF DEATH.

24 (D) "Serious physical injury" means physical injury that:

25 (1) creates a substantial risk of death; or

26 (2) causes permanent or protracted serious:

27 (i) disfigurement;

28 (ii) loss of the function of any bodily member or organ; or

29 (iii) impairment of the function of any bodily member or organ.

1 3-211.

2 (c) (1) A person may not cause a ~~{life-threatening}~~~~SERIOUS PHYSICAL~~
3 injury to another as a result of the person's negligently driving, operating, or
4 controlling a motor vehicle or vessel while the person is:

5 (i) under the influence of alcohol; or

6 (ii) under the influence of alcohol per se.

7 (2) A violation of this subsection is ~~{life-threatening}~~~~SERIOUS~~
8 ~~PHYSICAL~~ injury by motor vehicle or vessel while:

9 (i) under the influence of alcohol; or

10 (ii) under the influence of alcohol per se.

11 (3) A person who violates this subsection is guilty of a misdemeanor and
12 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
13 \$5,000 or both.

14 (d) (1) A person may not cause a ~~{life-threatening}~~~~SERIOUS PHYSICAL~~
15 injury to another as a result of the person's negligently driving, operating, or
16 controlling a motor vehicle or vessel while the person is impaired by alcohol.

17 (2) A violation of this subsection is ~~{life-threatening}~~~~SERIOUS~~
18 ~~PHYSICAL~~ injury by motor vehicle or vessel while impaired by alcohol.

19 (3) A person who violates this subsection is guilty of a misdemeanor and
20 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
21 \$3,000 or both.

22 (e) (1) A person may not cause a ~~{life-threatening}~~~~SERIOUS PHYSICAL~~
23 injury to another as a result of the person's negligently driving, operating, or
24 controlling a motor vehicle or vessel while the person is so far impaired by a drug, a
25 combination of drugs, or a combination of one or more drugs and alcohol that the
26 person cannot drive, operate, or control a motor vehicle or vessel safely.

27 (2) A violation of this subsection is ~~{life-threatening}~~~~SERIOUS~~
28 ~~PHYSICAL~~ injury by motor vehicle or vessel while impaired by drugs.

29 (3) A person who violates this subsection is guilty of a misdemeanor and
30 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
31 \$3,000 or both.

32 (f) (1) This subsection does not apply to a person who is entitled to use the
33 controlled dangerous substance under the laws of the State.

34 (2) A person may not cause a ~~{life-threatening}~~~~SERIOUS PHYSICAL~~
35 injury to another as a result of the person's negligently driving, operating, or

1 controlling a motor vehicle or vessel while the person is impaired by a controlled
2 dangerous substance as defined in § 5-101 of this article.

3 (3) A violation of this subsection is ~~life-threatening~~ **SERIOUS**
4 ~~PHYSICAL~~ injury by motor vehicle or vessel while impaired by a controlled dangerous
5 substance.

6 (4) A person who violates this subsection is guilty of a misdemeanor and
7 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
8 \$3,000 or both.

9 3-212.

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

12 (1) "(name of defendant) on (date) in (county) caused a
13 ~~life-threatening~~ **SERIOUS PHYSICAL** injury to (name of victim) while under the
14 influence of alcohol, in violation of § 3-211(c)(1)(i) of the Criminal Law Article against
15 the peace, government, and dignity of the State.";

16 (2) "(name of defendant) on (date) in (county) caused a
17 ~~life-threatening~~ **SERIOUS PHYSICAL** injury to (name of victim) while under the
18 influence of alcohol per se, in violation of § 3-211(c)(1)(ii) of the Criminal Law Article
19 against the peace, government, and dignity of the State.";

20 (3) "(name of defendant) on (date) in (county) caused a
21 ~~life-threatening~~ **SERIOUS PHYSICAL** injury to (name of victim) while impaired by
22 alcohol, in violation of § 3-211(d) of the Criminal Law Article against the peace,
23 government, and dignity of the State.";

24 (4) "(name of defendant) on (date) in (county) caused a
25 ~~life-threatening~~ **SERIOUS PHYSICAL** injury to (name of victim) while impaired by
26 drugs, in violation of § 3-211(e) of the Criminal Law Article against the peace,
27 government, and dignity of the State."; or

28 (5) "(name of defendant) on (date) in (county) caused a
29 ~~life-threatening~~ **SERIOUS PHYSICAL** injury to (name of victim) while impaired by a
30 controlled dangerous substance, in violation of § 3-211(f) of the Criminal Law Article
31 against the peace, government, and dignity of the State.".

32 (b) An indictment, information, or other charging document for a crime
33 described in § 3-211 of this subtitle need not set forth the manner or means of the
34 ~~life-threatening~~ **SERIOUS PHYSICAL** injury.

1

Article - Transportation

2 16-205.1.

3 (c) (1) If a person is involved in a motor vehicle accident that results in the
4 death of[,] or a [~~life threatening~~] ~~SERIOUS PHYSICAL LIFE THREATENING~~ injury, AS
5 DEFINED IN § ~~3-201(C)~~ 3-201 OF THE CRIMINAL LAW ARTICLE, to[,] another person
6 and the person is detained by a police officer who has reasonable grounds to believe
7 that the person has been driving or attempting to drive while under the influence of
8 alcohol, while impaired by alcohol, while so far impaired by any drug, any
9 combination of drugs, or a combination of one or more drugs and alcohol that the
10 person could not drive a vehicle safely, while impaired by a controlled dangerous
11 substance, or in violation of § 16-813 of this title, the person shall be required to
12 submit to a test, as directed by the officer.

13 16-402.

14 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
15 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
16 this State or of any local authority, points shall be assessed against the individual as
17 of the date of violation and as follows:

18 (32) Homicide, [~~life threatening~~] ~~SERIOUS PHYSICAL~~ injury under §
19 3-211 of the Criminal Law Article, or assault committed by means of a
20 vehicle 12 points

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