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By: **Delegates Simmons, Dumais, Gutierrez, Lee, McComas, Petzold,  
Quinter, Shank, Sophocleus, and Zirkin**

Introduced and read first time: January 19, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Manslaughter by Vehicle or Vessel - Criminal Negligence**

3 FOR the purpose of making it a misdemeanor for a person to cause the death of  
4 another as a result of the person's driving, operating, or controlling a vehicle or  
5 vessel in a criminally negligent manner; defining a certain term; providing that,  
6 for purposes of this Act, a person acts in a criminally negligent manner with  
7 respect to a result or circumstance when the person fails to perceive certain  
8 substantial and unjustifiable risks under certain circumstances; providing for  
9 certain penalties; and generally relating to criminally negligent manslaughter  
10 by vehicle or vessel.

11 BY adding to

12 Article - Criminal Law

13 Section 2-210

14 Annotated Code of Maryland

15 (2002 Volume and 2004 Supplement)

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

18 **Article - Criminal Law**

19 2-210.

20 (A) IN THIS SECTION, "VEHICLE" INCLUDES A MOTOR VEHICLE, STREETCAR,  
21 LOCOMOTIVE, ENGINE, AND TRAIN.

22 (B) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS A RESULT OF THE  
23 PERSON'S DRIVING, OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN A  
24 CRIMINALLY NEGLIGENT MANNER.

25 (C) (1) FOR PURPOSES OF THIS SECTION, A PERSON ACTS IN A CRIMINALLY  
26 NEGLIGENT MANNER WITH RESPECT TO A RESULT OR A CIRCUMSTANCE WHEN THE

1 PERSON FAILS TO PERCEIVE A SUBSTANTIAL AND UNJUSTIFIABLE RISK THAT SUCH  
2 A RESULT WILL OCCUR OR THAT SUCH A CIRCUMSTANCE EXISTS.

3           (2)       THE RISK UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE OF  
4 SUCH A NATURE AND DEGREE THAT THE FAILURE TO PERCEIVE IT CONSTITUTES A  
5 GROSS DEVIATION FROM THE STANDARD OF CARE THAT A REASONABLE PERSON  
6 WOULD OBSERVE IN THE SITUATION.

7       (D)       A VIOLATION OF THIS SECTION IS CRIMINALLY NEGLIGENT  
8 MANSLAUGHTER BY VEHICLE OR VESSEL.

9       (E)       A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
10 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A  
11 FINE NOT EXCEEDING \$5,000 OR BOTH.

12       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
13 effect October 1, 2005.