

HOUSE BILL 356

E1
HB 369/03 – JUD

9lr0551

By: **Delegates Barnes and Frush (By Request)**

Introduced and read first time: January 30, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Reckless Endangerment – Use of a Motor Vehicle**

3 FOR the purpose of establishing that a person may not recklessly create a substantial
4 risk of death or serious physical injury to another by driving a motor vehicle
5 through or into a part of a building or structure that is not designed or intended
6 to accommodate motor vehicles if the person knows or has reason to know that
7 the building or structure is occupied; establishing that a certain penalty applies
8 to a violation of this Act; and generally relating to the crime of reckless
9 endangerment and the use of a motor vehicle.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–204
13 Annotated Code of Maryland
14 (2002 Volume and 2008 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 3–204.

19 (a) A person may not recklessly:

20 (1) engage in conduct that creates a substantial risk of death or
21 serious physical injury to another; [or]

22 (2) discharge a firearm from a motor vehicle in a manner that creates
23 a substantial risk of death or serious physical injury to another; **OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) CREATE A SUBSTANTIAL RISK OF DEATH OR SERIOUS**
2 **PHYSICAL INJURY TO ANOTHER BY DRIVING A MOTOR VEHICLE THROUGH OR**
3 **INTO A PART OF A BUILDING OR STRUCTURE THAT IS NOT DESIGNED OR**
4 **INTENDED TO ACCOMMODATE MOTOR VEHICLES IF THE PERSON KNOWS OR HAS**
5 **REASON TO KNOW THAT THE BUILDING OR STRUCTURE IS OCCUPIED.**

6 (b) A person who violates this section is guilty of the misdemeanor of
7 reckless endangerment and on conviction is subject to imprisonment not exceeding 5
8 years or a fine not exceeding \$5,000 or both.

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

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

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

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

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

17 (ii) an individual acting in defense of a crime of violence as
18 defined in § 5-101 of the Public Safety Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2009.