

HOUSE BILL 1411

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CF SB 696

By: **Delegates Shewell, Aumann, Boteler, Elliott, Frank, Impallaria, Krebs, McDonough, Sossi, Stocksdale, and Weir**
Introduced and read first time: February 22, 2010
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Homicide by Motor Vehicle or Vessel – Penalties**

3 FOR the purpose of increasing the penalties for certain crimes of homicide by motor
4 vehicle or vessel while impaired by alcohol, homicide by motor vehicle or vessel
5 while impaired by drugs, and homicide by motor vehicle or vessel while
6 impaired by a controlled dangerous substance; and generally relating to
7 homicide by motor vehicle or vessel.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 2–503
11 Annotated Code of Maryland
12 (2002 Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 2–504, 2–505, and 2–506
16 Annotated Code of Maryland
17 (2002 Volume and 2009 Supplement)

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 2–503.

22 (a) A person may not cause the death of another as a result of the person's
23 negligently driving, operating, or controlling a motor vehicle or vessel while:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (1) under the influence of alcohol; or

2 (2) under the influence of alcohol per se.

3 (b) A violation of this section is:

4 (1) homicide by motor vehicle or vessel while under the influence of
5 alcohol; or

6 (2) homicide by motor vehicle or vessel while under the influence of
7 alcohol per se.

8 (c) A person who violates this section is guilty of a felony and on conviction is
9 subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

10 2-504.

11 (a) A person may not cause the death of another as a result of the person's
12 negligently driving, operating, or controlling a motor vehicle or vessel while impaired
13 by alcohol.

14 (b) A violation of this section is homicide by motor vehicle or vessel while
15 impaired by alcohol.

16 (c) A person who violates this section is guilty of a felony and on conviction is
17 subject to imprisonment not exceeding [3] 5 years or a fine not exceeding \$5,000 or
18 both.

19 2-505.

20 (a) A person may not cause the death of another as a result of the person's
21 negligently driving, operating, or controlling a motor vehicle or vessel while the person
22 is so far impaired by a drug, a combination of drugs, or a combination of one or more
23 drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or
24 vessel safely.

25 (b) A violation of this section is homicide by motor vehicle or vessel while
26 impaired by drugs.

27 (c) A person who violates this section is guilty of a felony and on conviction is
28 subject to imprisonment not exceeding [3] 5 years or a fine not exceeding \$5,000 or
29 both.

30 (d) It is not a defense to a charge of violating this section that the person is
31 or was entitled under the laws of this State to use a drug, combination of drugs, or
32 combination of one or more drugs and alcohol, unless the person was unaware that the
33 drug, combination of drugs, or combination of one or more drugs and alcohol would

1 make the person incapable of driving, operating, or controlling a motor vehicle or
2 vessel in a safe manner.

3 2-506.

4 (a) A person may not cause the death of another as a result of the person's
5 negligently driving, operating, or controlling a motor vehicle or vessel while the person
6 is impaired by a controlled dangerous substance, as defined in § 5-101 of this article.

7 (b) A violation of this section is homicide by motor vehicle or vessel while
8 impaired by a controlled dangerous substance.

9 (c) A person who violates this section is guilty of a felony and on conviction is
10 subject to imprisonment not exceeding [3] 5 years or a fine not exceeding \$5,000 or
11 both.

12 (d) This section does not apply to a person who is entitled to use the
13 controlled dangerous substance under the laws of this State.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2010.