

# HOUSE BILL 787

E2

3lr2320

---

By: **Delegate Simmons**

Introduced and read first time: February 6, 2013

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Reckless Endangerment as Lesser Included Offense**

3 FOR the purpose of creating an exception to the requirement that a defendant must be  
4 charged specifically with reckless endangerment to be found guilty of reckless  
5 endangerment; specifying that the requirement does not apply if reckless  
6 endangerment qualifies as a lesser included offense of an offense with which the  
7 defendant is charged and the defendant requests a certain jury instruction; and  
8 generally relating to the offense of reckless endangerment.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Law  
11 Section 3–206  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Law**

17 3–206.

18 (a) An indictment, information, other charging document, or warrant for a  
19 crime described in § 3–202, § 3–203, or § 3–205 of this subtitle is sufficient if it  
20 substantially states:

21 “(name of defendant) on (date) in (county) assaulted (name of victim) in the  
22 ..... degree or (describe other violation) in violation of (section violated) against the  
23 peace, government, and dignity of the State.”.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) If the general form of indictment or information described in subsection  
2 (a) of this section is used to charge a crime described in § 3–202, § 3–203, or § 3–205 of  
3 this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled  
4 to a bill of particulars.

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

7 (d) (1) To be found guilty of reckless endangerment under § 3–204 of this  
8 subtitle, a defendant must be charged specifically with reckless endangerment,  
9 **UNLESS:**

10 **(I) RECKLESS ENDANGERMENT QUALIFIES AS A LESSER**  
11 **INCLUDED OFFENSE OF AN OFFENSE WITH WHICH THE DEFENDANT IS**  
12 **CHARGED; AND**

13 **(II) THE DEFENDANT REQUESTS A JURY INSTRUCTION ON**  
14 **RECKLESS ENDANGERMENT AS A LESSER INCLUDED OFFENSE.**

15 (2) A charging document for reckless endangerment under § 3–204 of  
16 this subtitle is sufficient if it substantially states:

17 “(name of defendant) on (date) in (county) committed reckless endangerment in  
18 violation of § 3–204 of the Criminal Law Article against the peace, government, and  
19 dignity of the State.”.

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

22 (4) A charging document containing a charge of reckless  
23 endangerment under § 3–204 of this subtitle may:

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

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

28 (5) If the general form of charging document described in paragraph  
29 (2) of this subsection is used to charge reckless endangerment under § 3–204 of this  
30 subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a  
31 bill of particulars.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2013.