

# HOUSE BILL 835

E1, R5  
HB 1184/13 – JUD

4lr2333

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By: **Delegates Valentino–Smith, McDermott, Sophocleus, and Wilson**

Introduced and read first time: February 5, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Criminal Law – Motor Vehicles – Criminal Negligence Resulting in Death**

FOR the purpose of repealing a requirement that, to be convicted of a certain offense of manslaughter, a person's failure to perceive a certain risk must constitute a gross deviation from a certain standard of care; altering the name of a violation of this Act to be criminal negligence resulting in death; repealing a certain statement of intent of the General Assembly relating to a certain term; and generally relating to motor vehicles and criminal negligence resulting in death.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 2–210  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing  
Chapter 334 of the Acts of the General Assembly of 2011  
Section 2

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

### **Article – Criminal Law**

2–210.

(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a criminally negligent manner.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when[:

(1)] the person should be aware[, but fails to perceive,] that the person's conduct creates a substantial and unjustifiable risk that such a result will occur[; and

(2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person].

(d) It is not a violation of this section for a person to cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a negligent manner.

(e) A violation of this section is [criminally negligent manslaughter by vehicle or vessel] **CRIMINAL NEGLIGENCE RESULTING IN DEATH.**

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

### **Chapter 334 of the Acts of 2011**

[SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the term "gross deviation from the standard of care" in § 2-210(c)(2) of the Criminal Law Article, as enacted by Section 1 of this Act:

(1) be interpreted synonymously with the term "gross deviation from the standard of care" under § 2.02(2)(d) of the Model Penal Code of the American Law Institute; and

(2) is a separate and distinct standard from the "gross negligence" standard that is used by and interpreted under § 2-209 of the Criminal Law Article.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.