

**HB0612/952616/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 612  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and B. Wilson” and substitute “B. Wilson, Barkley, Barve, Carr, Clippinger, Conaway, Cullison, Fraser-Hidalgo, Frick, Gilchrist, Gutierrez, Hixson, Kaiser, Kelly, Korman, Kramer, Lisanti, Luedtke, McKay, A. Miller, Morales, Platt, Reznik, S. Robinson, Sydnor, Waldstreicher, and C. Wilson”.

AMENDMENT NO. 2

On page 1, in line 2, after “Vessel” insert “While Under the Influence or Impaired”; strike beginning with “of” in line 3 down through “vessel” in line 4 and substitute “of establishing certain crimes of manslaughter by motor vehicle or vessel while under the influence of alcohol, under the influence of alcohol per se, impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol, or impaired by a controlled dangerous substance; providing for certain penalties; providing for the form of certain charging documents; and generally relating to establishing certain crimes of manslaughter involving drunk or drugged driving”;

and strike in their entirety lines 5 through 9, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Criminal Law

The subtitle designation “Subtitle 5. Manslaughter and Homicide by Motor Vehicle or Vessel While Impaired or Under the Influence” immediately preceding Section 2-501

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

(Over)

**HB0612/952616/1 House Judiciary Committee**  
**Amendments to HB 612**  
**Page 2 of 6**

Article – Criminal Law  
Section 2-501  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Criminal Law  
Section 2-502.1 through 2-502.4  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law  
Section 2-507  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

Strike in their entirety the lines beginning with line 13 on page 1 through line 6 on page 2, inclusive, and substitute:

“Subtitle 5. MANSLAUGHTER AND Homicide by Motor Vehicle or Vessel While Impaired or Under the Influence.

2-501.

In this subtitle, “under the influence of alcohol per se” means an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

**2-502.1.**

(A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS A RESULT OF THE PERSON'S GROSSLY NEGLIGENT DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL.

(B) A VIOLATION OF THIS SECTION IS MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

2-502.2.

(A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS A RESULT OF THE PERSON'S GROSSLY NEGLIGENT DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL PER SE.

(B) A VIOLATION OF THIS SECTION IS MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL PER SE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

2-502.3.

(A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS A RESULT OF THE PERSON'S GROSSLY NEGLIGENT DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL WHILE THE PERSON IS SO FAR IMPAIRED BY A DRUG,

A COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON CANNOT DRIVE, OPERATE, OR CONTROL A MOTOR VEHICLE OR VESSEL SAFELY.

(B) A VIOLATION OF THIS SECTION IS MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY DRUGS.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(D) IT IS NOT A DEFENSE TO A CHARGE OF VIOLATING THIS SECTION THAT THE PERSON IS OR WAS ENTITLED UNDER THE LAWS OF THIS STATE TO USE A DRUG, COMBINATION OF DRUGS, OR COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, UNLESS THE PERSON WAS UNAWARE THAT THE DRUG, COMBINATION OF DRUGS, OR COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL WOULD MAKE THE PERSON INCAPABLE OF DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL IN A SAFE MANNER.

2-502.4.

(A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS A RESULT OF THE PERSON'S GROSSLY NEGLIGENT DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED UNDER § 5-101 OF THIS ARTICLE.

(B) A VIOLATION OF THIS SECTION IS MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(D) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS ENTITLED TO USE THE CONTROLLED DANGEROUS SUBSTANCE UNDER THE LAWS OF THIS STATE.

2-507.

(a) An indictment, information, or other charging document for a crime under this subtitle is sufficient if it substantially states:

(1) “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL BY KILLING (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.”;

(2) “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL PER SE BY KILLING (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.”;

(3) “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY DRUGS BY KILLING (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.”;

(Over)

**(4) “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE BY KILLING (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.”;**

**[(1)] (5) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while under the influence of alcohol by killing (name of victim) against the peace, government, and dignity of the State.”;**

**[(2)] (6) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while under the influence of alcohol per se by killing (name of victim) against the peace, government, and dignity of the State.”;**

**[(3)] (7) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by alcohol by killing (name of victim) against the peace, government, and dignity of the State.”;**

**[(4)] (8) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by drugs by killing (name of victim) against the peace, government, and dignity of the State.”; or**

**[(5)] (9) “(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by a controlled dangerous substance by killing (name of victim) against the peace, government, and dignity of the State.”.**

**(b) An indictment, information, or other charging document for a crime under this subtitle need not set forth the manner or means of death.”.**