

# HOUSE BILL 324

R3  
HB 393/17 – JUD

8lr0619

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By: **Delegate Dumais**

Introduced and read first time: January 22, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Manslaughter and Homicide by Vehicle or Vessel – Penalties**

3 FOR the purpose of increasing the maximum terms of imprisonment for the crimes of  
4 manslaughter by vehicle or vessel, homicide by vehicle or vessel while under the  
5 influence of alcohol or under the influence of alcohol per se, homicide by vehicle or  
6 vessel while impaired by alcohol, homicide by vehicle or vessel while impaired by  
7 drugs, and homicide by vehicle or vessel while impaired by a controlled dangerous  
8 substance; and generally relating to penalties for manslaughter by vehicle or vessel  
9 and certain crimes of homicide by vehicle or vessel.

10 BY repealing and reenacting, without amendments,

11 Article – Criminal Law

12 Section 2–209(a), (b), and (c), 2–503(a) and (b), 2–504(a) and (b), 2–505(a) and (b),  
13 and 2–506(a) and (b)

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Criminal Law

18 Section 2–209(d)(1) and (2)(i), 2–503(c)(1) and (2)(i), 2–504(c)(1) and (2)(i),  
19 2–505(c)(1) and (2)(i), and 2–506(c)(1) and (2)(i)

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2017 Supplement)

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

24 **Article – Criminal Law**

25 2–209.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (c) A violation of this section is manslaughter by vehicle or vessel.

6 (d) (1) Except as provided in paragraph (2) of this subsection, a person who  
7 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
8 exceeding [10] 15 years or a fine not exceeding \$5,000 or both.

9 (2) (i) A person who violates this section, having previously been  
10 convicted under this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this  
11 article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is  
12 subject to imprisonment not exceeding [15] 20 years or a fine not exceeding \$10,000 or  
13 both.

14 2–503.

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

17 (1) under the influence of alcohol; or

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

19 (b) A violation of this section is:

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

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

24 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
25 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
26 exceeding [5] 15 years or a fine not exceeding \$5,000 or both.

27 (2) (i) A person who violates this section, having previously been  
28 convicted under this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this  
29 article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is  
30 subject to imprisonment not exceeding [10] 20 years or a fine not exceeding \$10,000 or  
31 both.

32 2–504.

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

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

6 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
7 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
8 exceeding [3] 10 years or a fine not exceeding \$5,000 or both.

9 (2) (i) A person who violates this section, having previously been  
10 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, or § 3-211 of this  
11 article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is  
12 subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$10,000 or both.

13 2-505.

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

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

20 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
21 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
22 exceeding [3] 10 years or a fine not exceeding \$5,000 or both.

23 (2) (i) A person who violates this section, having previously been  
24 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, or § 3-211 of this  
25 article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is  
26 subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$10,000 or both.

27 2-506.

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

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

33 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
34 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
35 exceeding [5] 15 years or a fine not exceeding \$5,000 or both.

1                   (2)   (i)    A person who violates this section, having previously been  
2 convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this  
3 article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is  
4 subject to imprisonment not exceeding **[10] 20** years or a fine not exceeding \$10,000 or  
5 both.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2018.