

S-JPR_SB252-MustAppear_KEaton-Favorable.pdf

Uploaded by: Ken Eaton

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable William C. Smith, Chairman Judicial Proceedings Committee

From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.

Date: February 14, 2023

Re: **SB252** Reckless and Negligent Driving – Death of Another – Must–Appear Violation
(Sherry’s and Christian’s Law)

Position: **FAVORABLE - SUPPORT**

As a motorcyclist, and the Executive Director of ABATE of Maryland, Inc., I am urging you to support SB252. ABATE represents ALL motorcyclists as the largest motorcycle rights organization in the state and have been doing so since 1974.

The HB 360 bill indicates “*providing that a person charged with reckless or negligent driving that contributes to an accident that results in the death of another person must appear in court and may not prepay the fine*”. This is a bill that is near and dear to our Mid-Shore Chapter as well and the entire membership of ABATE of Maryland, Inc. On August 30, 2006, our then State Executive Director, Marty Schultz, was killed in a motorcycle accident that involved a car running a stop sign. Many other motorcyclists and motorists have experienced similar tragedies. Quite often, the officer on the scene issues a violation for running a stop sign, failure to stay right of center or some other minor violation. We feel it should be a “Mandatory Appearance” in court if a person involved in an accident, causes the death of another individual.

ABATE requested and assisted with “right-of-way” bills in 2006 and 2007 with no success. In 2008, we were able to get SB 712 passed. However, it did not include a provision for “Must Appear.” We strongly feel that no one should be able to receive a minor traffic violation, or no violation at all, when an accident that they caused results in severe injury or death. They should **not** be able to pay a ticket to avoid going to court. They should be required to appear in court. We are not requesting a mandatory penalty, just that they would be required to appear in court. This is not just a motorcycle bill; this legislation would apply to all persons on a roadway that cause the death of another through reckless and negligent driving. Interestingly enough, motorcyclists are already covered under a “Vulnerable Individuals” provision that passed several years ago. ABATE is supporting this bill because we feel the same provisions in the Vulnerable Individuals portion of MD Traffic Code 21-901.3(b), should apply to all persons on or near the roadway.

I have attached a portion of the document that is provided to all “Peace Officers” in Maryland, as prepared by the District Court of Maryland. It is a schedule of fines for violations related to Motor Vehicle Laws. The very last page is what I have attached & it is a summary of common traffic citations, the associated fine(s). If “MA” is listed in the fine’s column, that is a “Must Appear” violation. In addition, I have also added a brief summary of others that I was able to find throughout this document. There are 130 pages in this document. If you would like a copy, please let me know & I can provide you with a PDF. Interestingly enough if a person fails to stop for a pedestrian in a crosswalk and receives a ticket for it, that is a MUST APPEAR violation.

We feel that SB252 could give the family and friends of a victim of a reckless or negligent driver a bit of closure to know that the person that caused the accident would at least have to appear in court. The court could request the person that was issued the violation to provide their account of what may have happened. In some cases, it could truly have been an accident resulting from a animal in the roadway, a tire blow-out, etc. In other cases, it may have been distracted driving, or just plain poor judgement.

On behalf of all motorists in Maryland, I am hereby urging **support for SB252** - Reckless and Negligent Driving Death of Another - Must-Appear Violation and **urge the committee to vote FAVORABLY.**

Sincerely,
ABATE of Maryland, Inc.



Kenneth B. Eaton, Executive Director

Email: director@abateofmd.org

Tel: 410-924-3374

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List of some traffic violations that require a **“Must Appear.”**

- **Drivers' licenses:**
 - Driving without a license
 - Driving on alcohol restriction
 - Fraudulent / fictitious license
 - Suspended, revoked, or refused license.
 - Improper license
- **Accidents and Accident Reporting**
 - Failure to stop.
 - Failure to remain on scene.
 - Failure to render reasonable assistance.
 - Failure to report accident.
 - False report
- **Traffic Signals**
 - Willfully altering
- **Pedestrians**
 - Failure to stop for a pedestrian in a crosswalk.
 - Passing a vehicle stopped for pedestrian in a crosswalk.
- **Reckless, Negligent, etc.**
 - Causing death or physical injury to a *VULNERABLE INDIVIDUAL*
 - DUI
 - DWI
 - Driving without a required ignition interlock
 - Fleeing & eluding a police officer
 - Bodily injury / death or another - if fleeing and eluding a police officer
- **Miscellaneous**
 - Participating in a race / speed contest and in an accident that causes serious injury / death of another.
 - Use of a handheld telephone/text messaging device while driving, causing an accident that directly results in death, serious bodily injury.
 - Pumping gas into a dirt bike from a retail pump in Baltimore City.
 - Exhibition driving in a special event zone in Worcester County MD.

			<u>Fine/Cont/ to Accident</u>
01)	21-801.1	Exceed Max Speed.....MPH in.....Zone.....	
02)	13-401(b)(1)	Operating Unregistered Motor Veh.....	\$290.00
03)	13-401(h)	Driving With Suspended Registration	\$150.00
04)	13-409(b)	Fail to Display Reg. Card on Demand.....	\$ 50.00
05)	13-411(a)	Fail to Attach Plates at Front & Rear	\$ 70.00
06)	13-411(d)	Driving w/o Current Tags	\$ 70.00
07)	13-411(f)	Display Expired Reg. Plates	\$ 70.00
08)	13-411(g)	Display Reg. Plates Issued to Another	\$ 70.00
09)	13-703(g)	Unauthorized Disp. & Use of Reg. Plate.....	\$290.00
10)	16-101(a)(1)	Driving Without License.....	MA
11)	16-112(c)	Fail to Display License on Demand	\$ 50.00
12)	16-113(h)	Violating Restricted Lic. Restriction.....	\$ 70.00
13)	16-115(g)	Driving With an Expired License	\$ 70.00
14)	16-116(a)	Failure Notify Adm. Address Change	\$ 50.00
15)	16-303(c)	Driving on Suspended Lic. & Priv	MA
16)	16-303(d)	Driving on Revoked Lic. & Priv	MA
17)	16-303(f)	Driving on Suspended Out of State Lic	MA
18)	16-303(h)	Driving While Lic. Suspended Under (16-203, 16-206 a2 Fail to Attend DIP, 17-106, 26-204, 26-206, 27-103).....	MA
19)	17-107(a)(1)	Driving Uninsured Vehicle.....	MA
20)	21-201(a)(1)	Failure to Obey Traffic Device.....	\$90.00 / \$130.00
21)	21-202(h)(1)	Failure to Stop at Steady Circular Red Signal	\$140.00 / \$180.00
22)	21-202(i)(1)	Fail to stop at Red Signal Before Right Turn.	\$90.00 / \$130.00

			<u>Fine/Cont/ to Accident</u>
23)	21-301(a)	Failure to Drive Right of Center	\$90.00 / \$130.00
24)	21-304(c)	Driving off Road While Passing Vehicle.....	\$110.00 / \$150.00
25)	21-308(a)	Driving Wrong Direction on One Way Road.....	\$90.00 / \$130.00
26)	21-309(b)	Unsafe Lane Changing	\$90.00 / \$130.00
27)	21-310(a)	Following Veh. Too Closely.....	\$110.00 / \$150.00
28)	21-402(a)	Fail to Yield to Oncoming Traffic on Left Turn....	\$110.00 / \$150.00
29)	21-707(a)	Fail to Stop at Stop Sign.....	\$90.00 / \$130.00
30)	21-801(a)	Speed Greater Than Reasonable	\$90.00 / \$130.00
31)	21-801(b)	Failure to Control Speed to Avoid Collision.....	\$130.00
32)	21-901.1(a)	Reckless Driving.....	\$510.00
33)	21-901.1(b)	Negligent Driving.....	\$240.00 / \$280.00
34)	21-902(a)(1)(i)	Driving Veh. While Under Influence of Alcohol ..	MA
35)	21-902(a)(1)(i)(i)	Driving Under Influence of Alcohol Per Se	MA
36)	21-902(b)(1)(i)	Driving While Impaired by Alcohol.....	MA
37)	21-902(c)(1)(i)	Driving While So Far Impaired by Drug(s) or Drug(s) and Alcohol Cannot Drive Safely.....	MA
38)	21-902(d)(1)(i)	Driving While Impaired by Controlled Dangerous Substance.....	MA
39)	21-1117(c)	Driver Spinning Wheels	\$70.00 / \$110.00
40)	22-412.2(d)(1)	Failing to Secure Child Under Age 8 in Child Safety Seat When Transporting in Motor Vehicle.	\$83.00
41)	22-412.3(b)	(Operator, Occupant Under 16) Not Restrained by (Seat Belt, Child Safety Seat)	\$83.00
42)	22-412.3(c)(2)	Front Passenger 16 or More w/o Seat Belt.....	\$83.00

SB 252 - Wicomico SAO - Support.pdf

Uploaded by: Patrick Gilbert

Position: FAV



JAMIE L. DYKES
STATE'S ATTORNEY

Date: February 14, 2023

Bill: SB 252

Position: Support

The Office of the State's Attorney for Wicomico County and Jamie L. Dykes, State's Attorney for Wicomico County, support SB 252, and urge the Judicial Proceedings Committee to issue a favorable report.

SB 252 received a favorable report by this Committee when it was introduced last session, and for good reason – SB 252 requires individuals who have been charged with reckless or negligent driving to appear in court if their driving contributed to the death of another. As the law currently exists, individuals whose ordinary negligence has resulted in the loss of human life can prepay a fine and never witness the effect their conduct has had on others.

This bill corrects that by requiring their presence in court. Even though the maximum penalty for these violations is a fine of \$1,000, families of victims should have an opportunity to express to courts the magnitude of their loss, and defendants should be confronted with the grief their conduct has inflicted on others. SB 252 treats these types of cases – cases that have resulted in death – with the solemnity they deserve.

The Office of the State's Attorney for Wicomico County stands in support of legislation like SB 252 that improves the ability of our criminal justice system to facilitate the healing process both by giving victims an opportunity to be heard and by giving defendants a chance to recognize the harm they have caused and take accountability for their actions.

Bob Spansburgh - Draft Testimony.pdf

Uploaded by: Robert Spanburgh

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the
Judicial Proceedings Committee

FROM: Robert Spanburgh, Jr., Chairman of the Board, Abate of Maryland, Inc.

DATE: January 19, 2021

RE: **SB 252 – Reckless and Negligent Driving – Death of Another
– Must-Appeal Violation (Sherry's and Christian's Law)**

POSITION: **FAVORABLE**

Mr. Chairman and Members of the Committee,

My name is Robert G. Spanburgh Jr. I am the Chairman of the Board for ABATE of Maryland. We are the State's largest Motorcycle Rights Organization.

Since our inception in 1974 our goal has been to lobby for laws, policies and practices that will continue to promote and enhance the enjoyment and safety of motorcycling in Maryland.

We feel that passage of SB 252 has the ability to make our roads and highways safer for all motorists, motorcyclists included.

It is our belief that it is a fundamental right of the families of individuals killed or maimed in motor vehicle accidents to be able to attend court proceedings and actually see the party or parties involved in such accidents. This isn't about blame – this is about healing and closure. Many of the survivors don't know anything about the individual who changed their lives so completely.

With this in mind, we respectfully request a favorable report and committee vote on SB 252. Thank You.

SB 252 - MoCo_Morningstar_FAV (GA 23).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 252

DATE: February 15, 2023

SPONSOR: Senator Carozza, *et al.*

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Department of Police)

Reckless and Negligent Driving – Death of Another – Must-Appear Violations (Sherry's and Christian's Law)

Senator Bill 252 requires that a person charged with reckless or negligent driving that results in the death of another person must appear in court and may not prepay the fine. Montgomery County Department of Police supports this legislation.

Reckless driving is a crime in Maryland that is classified as a misdemeanor – currently subject to six points and a “scheduled” fine of \$500. Negligent driving is also classified as a misdemeanor and subject to points, but violators receive a lesser “scheduled” fine of \$180 if contributing to an accident. Reckless driving involves “wanton or willful disregard” for safety of persons or property whereas negligent driving involves driving in a “careless and imprudent manner” that endangers life or property. Senate Bill 252 provides that reckless and negligent driving contributing to the death of a person should be penalized more strongly than the same acts that merely damage property. Drivers whose reckless or negligent actions have contributed to the death of another person will no longer have the option of prepaying a scheduled fine and will instead be required to appear in court to deliver greater accountability.

Senate Bill 252 will strengthen Maryland's vehicle laws, and as such, Montgomery County Department of Police urges that the Committee adopt a favorable report.

SB 252 - Reckless and Negligent Driving.pdf

Uploaded by: Scott Shellenberger

Position: FAV

Bill Number: SB 252

**Scott D. Shellenberger, State's Attorney for Baltimore County
Support**

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 252
RECKLESS AND NEGLIGENT DRIVING – DEATH OF ANOTHER – MUST APPEAR
(SHERRY'S AND RYAN'S LAW)

I write in support of Senate Bill 252 that makes a traffic charge of negligent driving which results in the death of another a must appear offense.

It is a simple fact that all State's Attorneys know - traffic fatalities are often the most difficult cases to explain to family and friends about the limits of the criminal justice system. The automobile manslaughter case requirement of gross negligence sometimes does not fit certain traffic offenses even when it results in a death. Many times the most that can be charged is reckless or negligent driving.

Allowing a Defendant charged with this offense to pay from home imposes more pain on a victim's family. Making these offenses a "must appear" will give a surviving family a moment to feel some accountability and maybe even an apology.

Senate Bill 252 is not raising the penalty, it is not changing the standard by which we have charged for decades, it is merely trying to give a grieving family a day in court.

I urge a favorable report.

SB 252 - Carozza Testimony_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 15, 2023

The Senate Judicial Proceedings Committee
SB 252 Reckless and Negligent Driving – Death of Another – Must-Appear
Violation (Sherry's and Christian's Law)
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Smith, Vice Chair Waldstreicher, and the members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 252 – Reckless and Negligent Driving – Death of Another – Must-Appear Violation (Sherry's and Christian's Law), and respectfully ask for your support of this bill which would require that a person charged with reckless or negligent driving which contributed to the death of another must appear in court.

Most of you have heard this bill before. Last year, with the unanimous support of this Committee, it unanimously passed the Senate. It was heard in the House, but did not make final passage in the closing days of the session.

Under current law, if someone is charged with reckless or negligent driving even when they are involved in a fatal accident, they do not have to appear in court. They are charged with a misdemeanor and subject to a maximum fine of \$1,000, and they can pay this fine without ever appearing before a judge or facing the loved ones that are left behind.

This bill is named after two different victims of two different, devastating accidents. On July 5, 2019, Sherry Zdon and her husband Thomas were out for a late afternoon drive in Conowingo Maryland when they were struck head-on by an oncoming vehicle. Both Sherry and Thomas suffered severe injuries, and unfortunately, Sherry later died of those injuries. Her husband Thomas had to have his left arm and left leg amputated. To this day, the person who caused Sherry Zdon's death has not appeared in court as it is not required.

Travis "Christian" Butcher, the other person referenced in the bill title, was driving to work the day before Thanksgiving in 2016, when he was hit on Route 7 in Abingdon Maryland. He had the right of way, but the driver did not yield to him. After three days in Shock Trauma, Christian passed away from his wounds. He was only 19 years old, and despite a long rap sheet, the driver never had to appear before a judge for her actions.

On average, there are 514 fatal crashes in Maryland each year. Being able to face the person who caused such pain often plays a major role in the healing process, and requiring that person to show up in court provides a safe environment. I want to note that there is some discretion for a judge to waive the must-

appear in order if the two parties meeting would be considered dangerous, such as possible gang involvement.

These types of cases, where there is a victim, should not be treated the same as a victimless vehicle accident. Mr. Chair and Vice Chair, I respectfully urge the Senate Judicial Proceedings Committee Members for a favorable report on Senate Bill 252. Thank you for your kind attention and consideration.