

S-JPR_SB252-MustAppear_BSpanburgh-Favorable.pdf

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ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable Luke Clippinger, Chairman Judiciary Committee

From: Robert Spanburgh, Jr., Chairman of the Board, ABATE of Maryland, Inc.

Date: March 27, 2023

Re: SB252 - Reckless and Negligent Driving - Penalties (Sherry's and Christian's Law)

Position: **FAVORABLE - SUPPORT**

Good afternoon, Mr. Chairman, Vice Chairman and members of the Committee. My name is Robert Spanburgh Jr., and I am the Chairman of the Board for ABATE of Maryland, Inc., the State's largest Motorcycle Rights Organization. We fully support and encourage passage of SB252/HB360 and have lobbied relentlessly for its passage for a number of years. I myself have testified on behalf of legislation of this kind for many years. ABATE does not view this as strictly a bill for motorcyclists but rather a bill for ALL citizens of our great State. We feel that this legislation will enhance the safety of our highways, roads and streets for all Marylanders. The list of offenses that warrant a mandated court appearance is expansive. We feel that an accident that results in loss of life should have been on this list long ago. We hope this is the year that we can make this much-needed addition to that list. If passed, this law would not require an arrest at the scene, but rather a mandated court appearance on the date specified by authorities. With these factors in mind, we respectfully request passage of SB252/HB360, "Sherry's and Christian's Law".

Sincerely,
ABATE of Maryland, Inc.

Robert Spanburgh Jr.
Chairman of the Board
Email: legislative@abateofmd.org

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S-JPR_SB252-MustAppear-Judiciary_KEaton-Favorable.

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Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable Luke Clippinger, Chairman Judiciary Committee

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

Date: March 27, 2023

Re: SB252 - Reckless and Negligent Driving - Penalties (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 has been doing so since 1974.

The SB252 bill indicates Providing that a person charged with negligent driving must appear in court and may not prepay the fine if the negligent driving contributed to an accident that resulted in the death of another person; and establishing a penalty for a person convicted of a violation of the prohibition on reckless driving of imprisonment not exceeding 5 days or a fine not exceeding \$1,000 or both.

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.

71 Franklin Street | PO Box 1733 | Annapolis, MD 21404

(410) 263-9185 | www.abateofmd.org

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 an 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 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 - 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 - House_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



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 316
Annapolis, Maryland 21401
410-841-3645 • 301-858-3645
800-492-7122 Ext. 3645
Fax 410-841-3006 • 301-858-3006
MaryBeth.Carozza@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 29, 2023
The House Judiciary 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 Clippinger, Vice Chair Moon, and the members of the distinguished House Judiciary 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. I want to publicly recognize and thank ABATE of Maryland for their leadership and persistence in advocating for SB 252 over the years.

This bill is intended to close a loophole pertaining to reckless or negligent driving regarding fatal accidents. Under current law, if someone is charged with 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.

Under SB 252, a person *charged* with negligent driving that contributes to a fatal accident must appear in court and cannot prepay the fine. As amended, a person *convicted* of reckless driving

that contributes to a fatal accident is subject to imprisonment not exceeding five days or a fine up to \$1,000 or both. A person charged with reckless driving already is required to appear in court.

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 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 House Judiciary Committee Members for a favorable report on Senate Bill 252. Thank you for your kind attention and consideration.