

MCPA-MSA_SB 939 Criminal Law - Reckless Endangerme

Uploaded by: Andrea Mansfield

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith Jr., Chair of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 6, 2024

RE: **SB 939 Criminal Law – Reckless Endangerment – Use of Motor Vehicle**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 939**. This bill alters the criminal code so that the use of a motor vehicle can be applicable to the crime of reckless endangerment.

Across Maryland, there have been continual concerns regarding the safety of our roadways due to reckless and aggressive driving. We have seen road rage incidents, deadly accidents in work zones, and intentional incidents to harm individuals with a motor vehicle. Many times, these are not an individual's first offense as we've seen in Montgomery County with the driver who intentionally harmed Sergeant Patrick Keep. This individual was charged with past incidents but continued to operate his motor vehicle recklessly and aggressively, putting others at risk.

Currently, Maryland Criminal Law, section 3-204 excludes the use of a motor vehicle from being applicable to the crime of reckless endangerment. SB 939 repeals this exclusion of conduct to allow for the use of a motor vehicle to be applicable to the crime of reckless endangerment.

For these reasons, MCPA and MSA **SUPPORT SB 939** and urge a **FAVORABLE** committee report as amended.

SB 939 Testimony Support.pdf

Uploaded by: Dawn Luedtke

Position: FAV



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DAWN LUEDTKE
COUNCILMEMBER
DISTRICT 7

March 5, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 939, *Criminal Law – Reckless Endangerment – Use of a Motor Vehicle*

Dear Chair Smith,

I write in strong support of SB 939, Criminal Law – Reckless Endangerment – Use of a Motor Vehicle. This bill would repeal an exclusion of conduct involving the use of a motor vehicle applicable to the crime of reckless endangerment. Reckless endangerment with a vehicle can have devastating or even fatal consequences for victims, yet we lack an enforcement tool to provide meaningful consequences for the perpetrator.

In tragedy after tragedy, including in the horrific injuries to Sergeant Patrick Kepp on I-270 this October by someone with a pattern of reckless driving, we have seen that a penalty of eight points on one's license and a \$500 fine does not effectively deter this behavior. Habitual reckless drivers feel emboldened by the exclusion of this charge from Maryland's criminal law code.

Traditional reckless driving statutes did not contemplate the kind of behavior we are seeing now. When people use vehicles for conduct that is criminal in nature, such as stunt driving, street racing, and baiting officers into pursuits, their actions are part and parcel of criminal endangerment and should be treated as such.

I thank you for the opportunity to voice my support for Senate Bill 939 and I urge this Committee's favorable report.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Luedtke".

Dawn Luedtke
Montgomery County Councilmember, District 7

cc: Members of the Judicial Proceedings Committee

100 MARYLAND AVENUE • ROCKVILLE, MARYLAND 20850
240-777-7860 • Councilmember.Luedtke@montgomerycountymd.gov
www.montgomerycountymd.gov

SafeRoadsMD SB 939 Rec Favorable - Testimony Submi

Uploaded by: John Seng

Position: FAV



SafeRoadsMD

PLEASE SUPPORT SB 939
“Criminal Law – Reckless Endangerment –
Use of Motor Vehicle”

MARYLAND COALITION FOR ROADWAY SAFETY, INC.
URGES YOUR SUPPORT FOR SB 939

March 5, 2024

TO:
Honorable Chair, Senator William C. Smith, Jr.
Honorable Vice Chair, Senator Jeff Waldstreicher
Senate Judicial Proceedings Committee
Maryland General Assembly
2 East Miller Senate Office Building
Annapolis, Maryland 21401 FROM:

FROM:
John J. Seng, Chair
SafeRoadsMD –
Maryland Coalition For Roadway Safety, Inc.
JSeng@SafeRoadsMD.org SafeRoadsMD.org
(202) 468-7682

Dear Chair Smith and Vice Chair Waldstreicher:

SafeRoadsMD, a four-year old statewide non-profit advocacy organization, **strongly supports the enactment of SB 939 “Criminal Law – Reckless Endangerment – Use of Motor Vehicle”**

We respectfully request that the Maryland Senate Judicial Proceedings Committee members vote to submit a favorable response to this bill to help stem the continuing lethal tide of roadway violence in Maryland.

SafeRoadsMD consists of Marylanders who care and speak for all Marylanders concerned about and taking action to increase safety on our roads. We support the provisions of this bill to repeal an “exclusion of conduct involving the use of a motor vehicle applicable to the crime of reckless endangerment.”

Vehicle operators who drive recklessly and increase death or serious physical injury should be severely punished as provided for in this bill.

We thank you both and the Judicial Proceedings Committee members for your review of our position, and urge you to submit a favorable recommendation and support for SB 939.

Sincerely,

John J. Seng
Chair

cc: Majority Leader Senator Nancy King
SafeRoadsMD *Coalition* Board of Directors
Sara Morningstar, Montgomery County Office of Intergovernmental Relations
Ragina Ali, AAA Mid-Atlantic

Maryland Coalition for Roadway Safety, Inc. PO Box 7, Olney, Maryland 20830

MD SB 939 Support Letter.pdf

Uploaded by: Omar Masood

Position: FAV



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

March 5, 2024

The Honorable William C. Smith, Jr., Chair
The Honorable Jeff Waldstreicher, Vice Chair
Senate Judicial Proceedings Committee
Maryland General Assembly
6 Bladen Street
Annapolis, Maryland 21401

Dear Chair Smith and Vice Chair Waldstreicher:

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, safety, medical, public health and law enforcement groups and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, reduce injuries, and contain costs, supports enactment of Senate Bill (SB) 939/House Bill (HB) 1111. This legislation will improve safety by repealing an exclusion to the crime of reckless endangerment for conduct involving use of a motor vehicle. SB 939/HB 1111 is critical and timely.

In 2021 there were 561 traffic fatalities in the state, a 10 percent increase since 2012, according to the National Highway Traffic Safety Administration (NHTSA).ⁱ Moreover, state data show there were over 28,000 injury crashes and more than 108,000 total crashes in 2022.ⁱⁱ In addition to being tragic, motor vehicle crashes are costly. Maryland incurred \$5.9 billion in economic harm, which is equivalent to \$977 per resident, due to motor vehicle crashes according to a 2019 analysis.ⁱⁱⁱ Clearly, traffic safety is a serious issue that urgently needs improvement.

SB 939/HB 1111 is a sensible way to make Maryland safer by eliminating a dangerous loophole in the current law that exempts actions taken with a motor vehicle from the reckless endangerment statute. We urge you to advance SB 939/HB 1111.

Sincerely,

Peter Kurdock, General Counsel

ⁱ State Traffic Safety Information for Maryland (2021), NHTSA, available at <https://cdan.dot.gov/stsi.htm>.

ⁱⁱ Statewide Crash Summary Report (2022), Maryland Department of Transportation available at: <https://zerodeathsmd.gov/resources/crashdata/>.

ⁱⁱⁱ The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

SB 939 and SB 940 AAA SUPPORT- Reckless Negligent

Uploaded by: Ragina Ali

Position: FAV



AAA Mid-Atlantic's Testimony in Support of Senate Bill 939 - Criminal Law - Reckless Endangerment - Use of Motor Vehicle and Senate Bill 940 - Motor Vehicles - Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving

Sponsor: Senator King

- AAA Mid-Atlantic **supports** [Senate Bill 939 - Criminal Law - Reckless Endangerment - Use of Motor Vehicle](#) and [Senate Bill 940 - Motor Vehicles - Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving](#).
- Both bills are intended to address the mayhem we are seeing on Maryland roadways that has led to death and serious injuries on our roadways, with little regard for public safety.
- The tragic incident in Montgomery County last fall, where Sergeant Patrick Kepp was critically injured, is one such example.
- SB 939 proposes to repeal current law, which prevents charges from being filed against a driver who engages in conduct that creates a substantial risk of death or serious physical injury, while using a motor vehicle.
- SB 940 is about accountability. It holds the owner of a vehicle responsible if that owner knowingly permits their vehicle to be driven by an unauthorized person who drives recklessly, negligently and/or aggressively and subjects the owner to a fine of up to \$1,000.
- According to the [Governor's Highway Safety Association \(GHSA\)](#), travel on U.S. roads rose in 2023, topping pre-COVID19 levels.
- As traffic volumes recovered, traffic fatalities on U.S. roads declined slightly, falling 4.5% in the first nine months of 2023, however, risky and dangerous driving behaviors persist nationwide and here, in Maryland.
- In 2022, there were 534 fatal crashes in Maryland, resulting in 566 deaths, according to preliminary data from the [MDOT MVA Highway Safety Office](#). Speed was a factor in 110 of those fatalities and contributed to 3,220 injured persons on Maryland roads. An aggressive driver was the factor in 26 of the fatalities and 1,784 injured. (*Source: MDOT MVA Highway Safety Office, data as of February 27, 2024*).
- Last year, in Maryland, we saw a bigger uptick in traffic fatalities. Preliminary data by the [MD MVA's Highway Safety Office](#) indicate that 605 people died on Maryland roadways, with speed being a factor in 161 deaths and aggressive driving was a factor in 69 fatal crashes.
- The bottom line is—speed kills—and the blatant disregard for public safety that can be witnessed on our roadways on any given day is deadly and must be stopped.
- SB 940 increases penalties for reckless and negligent driving, and explicitly defines reckless driving as exceeding 90 mph.
- The bill also increases penalties for aggressive driving and expands the list of driving offenses that constitute aggressive driving, and reduces the number of said offenses required to constitute aggressive driving from three to two and requires the offender to appear in court.
- Over the years, we have seen countless cases where drivers involved in fatal or serious crashes in Maryland received a mere slap on the wrist, as their victims and lives of the families of victims are forever changed.
- Those who wish to disregard the rules of the road in a dangerous and deadly manner need to be held accountable, and SB 939 and SB 940 strive to do that. We respectfully urge the Committee to render **a favorable report for SB 939 and SB 940**.

Contacts:

*Ragina C. Ali, AAA Mid-Atlantic
Public and Government Affairs
443.465.5020*

*Sherrie Sims, G.S. Proctor & Assoc.
Senior State Associate
410.280.5088*

SB 939 - MoCo_Morningstar_FAV (GA 24).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 939

DATE: March 6, 2024

SPONSOR: Senator King

ASSIGNED TO: Judicial Proceedings Committee

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

POSITION: SUPPORT

Criminal Law – Reckless Endangerment – Use of Motor Vehicle

Senate Bill 939 would repeal an inclusion for motor vehicles when it comes to conduct applicable to the crime of reckless endangerment. Montgomery County supports this bill.

Last October, Montgomery County Police Sgt. Patrick Kepp was seriously injured after being struck on I-270 by a reckless and aggressive driver who had repeatedly engaged in dangerous driving, including incidents where he operated his car at speeds well over 130 miles per hour. The Montgomery County Department of Police was familiar with the teenage driver. He had been issued multiple citations, but he continued to engage in aggressive driving. In the early morning hours of October 18th, after receiving another report of dangerous driving by the notorious teen, Sgt. Kepp responded to the incident by driving to the section of I-270 where the car had been headed and deployed stop sticks in the road to deflate the driver's tires. Instead of the driver slowing down to prevent a crash, he drove into Sgt. Kepp causing the police officer to sustain crushing injuries to his legs resulting in necessary amputation. The driver has been charged with attempted first-degree murder, first-degree assault, and causing life-threatening injuries to Sgt. Kepp.

The vehicle that struck Sgt. Kepp was being intentionally used by a driver as a deadly weapon. Operating at reckless and excessive speeds, the automobile was no different from a firearm that can be discharged and cause serious bodily injury or death to another. Senate Bill 939 recognizes this and removes the exclusion of motor vehicles under the Criminal Law Article, § 3-204, defining reckless endangerment.

Montgomery County urges the Committee to adopt a favorable report on SB 939.

SB939 Sponsor Amendment 96EA856F-C670-40C4-B165-6C

Uploaded by: Senator Nancy King

Position: FWA



SB0939/613622/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

15 FEB 24
14:04:49

BY: Senator King
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 939
(First Reading File Bill)

On page 1, after line 2, insert:

“(Sergeant Patrick Kepp Act)”.

SB939 Sponsor Testimony.pdf

Uploaded by: Senator Nancy King

Position: FWA

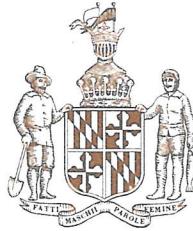
NANCY J. KING
Legislative District 39
Montgomery County

MAJORITY LEADER

Budget and Taxation Committee

Chair

Education, Business and
Administration Subcommittee



James Senate Office Building
11 Bladen Street, Room 120
Annapolis, Maryland 21401
301-858-3686 · 410-841-3686
800-492-7122 Ext. 3686
Fax 301-858-3670 · 410-841-3670
Nancy.King@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Bill 939 – Criminal Law – Reckless Endangerment – Use of a Motor Vehicle

March 6, 2024

Mr. Chairman and Members of the Judicial Proceedings Committee:

Preliminary data by Maryland Motor Vehicle Association's Highway Safety Office indicate that last year 605 people died on Maryland roadways, with speed being a factor in 161 fatalities and aggressive driving was a factor in 69 fatal crashes. There are continued concerns about the safety of our roadways due to reckless and aggressive driving. Drivers, pedestrians, cyclists and workers are all being put in harm's way by the actions of drivers who operate their motor vehicles with blatant disregard for public safety.

Under the current Criminal Law Article 3-204:

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or

(2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.

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

(c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

(i) the use of a motor vehicle, as defined in § 11-135 of the Transportation Article

Senate Bill 939 will remove (c) (i), thus making the reckless use of a motor vehicle a criminal offense subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

We have seen too many cases where drivers involved in fatal or serious crashes in Maryland are receiving a slap on the wrist and some who are then back on the road driving in the same reckless manner. People who disregard the rules of the road and operate their motor vehicles in a dangerous and deadly way need to be held accountable and so I respectfully request a favorable report on Senate Bill 939.

SB0939 - MVA - Criminal Law - Reckless Endangerme

Uploaded by: Pilar Helm

Position: INFO

March 6, 2024

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis MD 21401

***RE: Letter of Information – Senate Bill 939 – Criminal Law - Reckless Endangerment -
Use of Motor Vehicle***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on Senate Bill 939 for the Committee's consideration.

Senate Bill 939 would repeal the exclusion of conduct involving a motor vehicle from being charged with reckless endangerment when engaging in certain actions as defined under Criminal Law Article § 3-204.

The Motor Vehicle Administration (MVA) is the administrative agency tasked with maintaining a driving record and administering punishments for certain offenses involving motor vehicles. As currently drafted, if Senate Bill 939 were to pass, and an individual is convicted of the use of a motor vehicle for reckless endangerment, this offense would not be shared with the MVA by the courts. As a result, MVA would not be able to assess additional fines, points, or take other administrative actions against the convicted individual.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating Senate Bill 939.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090