
By: Delegates Genn, Owings, Perry, Morhaim, Frank, Finifter, and V. Mitchell

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes and Offenses - Negligent Driving - Homicide or Life-Threatening Injury**

3 FOR the purpose of establishing that a person who causes the death of another person by
4 the negligent driving of a motor vehicle is guilty of a misdemeanor to be known as
5 "negligent homicide by motor vehicle"; establishing that a person who causes a life-
6 threatening injury to another person by the negligent driving of a motor vehicle is
7 guilty of a misdemeanor to be known as "negligent life-threatening injury by motor
8 vehicle"; establishing certain penalties; providing for the prosecution of an offense
9 under this Act; and generally relating to the crimes of negligent homicide by motor
10 vehicle and negligent life-threatening injury by motor vehicle.

11 BY adding to

12 Article 27 - Crimes and Punishments
13 Section 388A-1 and 388B-1
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 BY repealing and reenacting, with amendments,

17 Article - Courts and Judicial Proceedings
18 Section 5-106(n)
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1996 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 388A-1.

25 (A) A PERSON WHO CAUSES THE DEATH OF ANOTHER PERSON AS THE
26 RESULT OF THE DRIVING OF A MOTOR VEHICLE IN A NEGLIGENT MANNER IS
27 GUILTY OF A MISDEMEANOR TO BE KNOWN AS "NEGLIGENT HOMICIDE BY MOTOR
28 VEHICLE", AND ON CONVICTION IS SUBJECT TO A TERM OF IMPRISONMENT NOT
29 EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

2

1 (B) (1) IN ANY INDICTMENT, INFORMATION, OR OTHER CHARGING
2 DOCUMENT UNDER THIS SECTION, IT IS NOT NECESSARY TO SET FORTH THE
3 MANNER AND MEANS OF DEATH.

4 (2) IT IS SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE
5 FOLLOWING EFFECT:

6 "THAT A-B ON THE DAY OF, NINETEEN HUNDRED AND
7 AT THE COUNTY (CITY) AFORESAID, UNLAWFULLY, IN A NEGLIGENT
8 MANNER DID KILL C-D, AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE
9 STATE."

10 388B-1.

11 (A) A PERSON WHO CAUSES A LIFE-THREATENING INJURY TO ANOTHER
12 PERSON AS THE RESULT OF THE DRIVING OF A MOTOR VEHICLE IN A NEGLIGENT
13 MANNER IS GUILTY OF A MISDEMEANOR TO BE KNOWN AS "NEGLIGENT
14 LIFE-THREATENING INJURY BY MOTOR VEHICLE", AND ON CONVICTION IS SUBJECT
15 TO A TERM OF IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING
16 \$1,500 OR BOTH.

17 (B) (1) IN ANY INDICTMENT, INFORMATION, OR OTHER CHARGING
18 DOCUMENT UNDER THIS SECTION, IT IS NOT NECESSARY TO SET FORTH THE
19 MANNER AND MEANS OF LIFE-THREATENING INJURY.

20 (2) IT IS SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE
21 FOLLOWING EFFECT:

22 "THAT A-B ON THE DAY OF, NINETEEN HUNDRED AND
23 AT THE COUNTY (CITY) AFORESAID, UNLAWFULLY, IN A NEGLIGENT
24 MANNER DID CAUSE A LIFE-THREATENING INJURY TO C-D, AGAINST THE PEACE,
25 GOVERNMENT, AND DIGNITY OF THE STATE."

26 **Article - Courts and Judicial Proceedings**

27 5-106.

28 (n) A prosecution for an offense under Article 27, [§ 388 or § 388A] § 388, § 388A,
29 § 388A-1, OR 388B-1 of the Code shall be instituted within 3 years after the offense was
30 committed.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1997.