
**By: Delegates Genn, Owings, Perry, Morhaim, Frank, Finifter, and V. Mitchell
Hutchins, Workman, Rudolph, DeCarlo, Cadden, Proctor, E. Burns, V. Mitchell,
and the Speaker (Administration)**

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

CHAPTER _____

1 AN ACT concerning

2 ~~Crimes and Offenses - Vehicle Laws - Reckless Homicide by Motor Vehicle - Reckless~~
3 ~~Driving or Negligent Driving - Homicide or Life-Threatening Injury Death~~

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

12 ~~BY adding to~~

13 ~~Article 27 - Crimes and Punishments~~
14 ~~Section 388A-1 and 388B-1~~
15 ~~Annotated Code of Maryland~~
16 ~~(1996 Replacement Volume)~~

17 ~~BY repealing and reenacting, with amendments,~~

18 ~~Article - Courts and Judicial Proceedings~~
19 ~~Section 5-106(n)~~
20 ~~Annotated Code of Maryland~~
21 ~~(1995 Replacement Volume and 1996 Supplement)~~

22 FOR the purpose of establishing the crime of reckless homicide by motor vehicle;

23 establishing certain penalties; requiring the Motor Vehicle Administration to assess

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1 a certain number of points against the driver's license of an individual who is
2 convicted of reckless homicide by motor vehicle, reckless driving under
3 circumstances in which the individual contributed to a vehicular accident in which
4 the death of another person results, or negligent driving under circumstances in
5 which the individual contributed to a vehicular accident in which the death of
6 another person results; and generally relating to reckless homicide by motor vehicle
7 and assessment of points by the Administration against the driver's license of an
8 individual who is convicted of certain offenses under certain circumstances.

9 BY repealing and reenacting, without amendments,
10 Article - Transportation
11 Section 16-208(b)(6)(ii)3.B.
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1996 Supplement)

14 BY adding to
15 Article - Transportation
16 Section 16-402(a)(34) and (35) and 27-101(r)
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1996 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 21-901.1
22 Annotated Code of Maryland
23 (1992 Replacement Volume and 1996 Supplement)

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

26 ~~**Article 27--Crimes and Punishments**~~

27 388A-1.

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

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

36 (2) IT IS SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE
37 FOLLOWING EFFECT:

38 "THAT A B ON THE DAY OF, NINETEEN HUNDRED AND
39 AT THE COUNTY (CITY) AFORESAID, UNLAWFULLY, IN A NEGLIGENT

3

1 MANNER DID KILL C D, AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE
2 STATE."

3 ~~388B-1.~~

4 (A) A PERSON WHO CAUSES A LIFE THREATENING INJURY TO ANOTHER
5 PERSON AS THE RESULT OF THE DRIVING OF A MOTOR VEHICLE IN A NEGLIGENT
6 MANNER IS GUILTY OF A MISDEMEANOR TO BE KNOWN AS "NEGLIGENT
7 LIFE THREATENING INJURY BY MOTOR VEHICLE", AND ON CONVICTION IS SUBJECT
8 TO A TERM OF IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING
9 \$1,500 OR BOTH.

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

13 (2) IT IS SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE
14 FOLLOWING EFFECT:

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

19 **Article -- Courts and Judicial Proceedings**

20 ~~5-106.~~

21 (n) A prosecution for an offense under Article 27, [~~§ 388 or § 388A~~] ~~§ 388, § 388A,~~
22 ~~§ 388A-1, OR 388B-1~~ of the Code shall be instituted within 3 years after the offense was
23 ~~committed.~~

24 **Article - Transportation**

25 ~~16-208.~~

26 (b) (6) (ii) 3. Notwithstanding paragraphs (1) through (5) of this subsection,
27 the Administration may reinstate a license or privilege to drive only if, after an
28 investigation of an individual's habits and driving ability, the Administration is satisfied it
29 will be safe to reinstate the license or privilege of an individual who has been:

30 B. Involved in a vehicular accident resulting in the death of
31 another person; or

32 ~~16-402.~~

33 (a) After the conviction of an individual for a violation of Article 27, § 388, §
34 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any
35 local authority, points shall be assessed against the individual as of the date of violation
36 and as follows:

37 (34) RECKLESS DRIVING CONTRIBUTING TO A VEHICULAR
38 ACCIDENT IN WHICH THE DEATH OF ANOTHER PERSON RESULTS.....
39 12 POINTS

4

1 (35) NEGLIGENT DRIVING CONTRIBUTING TO A VEHICULAR
2 ACCIDENT IN WHICH THE DEATH OF ANOTHER PERSON RESULTS.....
3 12 POINTS

4 21-901.1.

5 (a) (1) A person is guilty of reckless driving if [he] THE PERSON drives a
6 motor vehicle:

7 [(1)] (I) In wanton or willful disregard for the safety of persons or property;
8 or

9 [(2)] (II) In a manner that indicates a wanton or willful disregard for the
10 safety of persons or property.

11 (2) A PERSON IS GUILTY OF RECKLESS HOMICIDE BY MOTOR VEHICLE
12 IF:

13 (I) THE PERSON DRIVES A MOTOR VEHICLE:

14 1. IN WANTON OR WILLFUL DISREGARD FOR THE SAFETY
15 OF PERSONS OR PROPERTY; OR

16 2. IN A MANNER THAT INDICATES A WANTON OR WILLFUL
17 DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY; AND

18 (II) THE ACT RESULTS IN THE DEATH OF ANOTHER PERSON.

19 (b) A person is guilty of negligent driving if [he] THE PERSON drives a motor
20 vehicle in a careless or imprudent manner that endangers any property or the life or
21 person of any individual.

22 27-101.

23 (R) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-901.1(A)(2) OF
24 THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT
25 FOR NOT MORE THAN 2 YEARS OR BOTH.

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