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**By: Delegates Genn and E. Burns**

Introduced and read first time: February 14, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Crimes - Reckless Endangerment - Law Enforcement Officers and Security Guards**  
3 **Limitation of Exceptions**

4 FOR the purpose of ~~eliminating conduct involving a law enforcement officer or security~~  
5 ~~guard in the performance of the officer's or security guard's official duty from the~~  
6 limiting to certain circumstances certain types of conduct that do not constitute  
7 reckless endangerment; and generally relating to reckless endangerment.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 12A-2  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume)

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

15 **Article 27 - Crimes and Punishments**

16 12A-2.

17 (a) (1) Any person who recklessly engages in conduct that creates a substantial  
18 risk of death or serious physical injury to another person is guilty of the misdemeanor of  
19 reckless endangerment and on conviction is subject to a fine of not more than \$5,000 or  
20 imprisonment for not more than 5 years or both.

21 (2) Subject to the provisions of subsection (b) of this section, any person  
22 who recklessly discharges a firearm from a motor vehicle in such a manner that it creates  
23 a substantial risk of death or serious physical injury to another person is guilty of the

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1 misdemeanor of reckless endangerment and on conviction is subject to a fine not  
2 exceeding \$5,000 or imprisonment not exceeding 5 years or both.

3 (b) ~~(1) This~~ SUBSECTION (A)(1) OF THIS section does not apply to any conduct  
4 involving:

5 ~~(1)~~ (I) The use of a motor vehicle as defined in § 11-135 of the  
6 Transportation Article; OR

7 ~~(2)~~ (II) The manufacture, production, or sale of any product or  
8 commodity; OR

9 ~~(3)~~ (2) SUBSECTION (A)(2) OF THIS SECTION DOES NOT APPLY TO ANY  
10 CONDUCT INVOLVING:

11 (I) ~~†~~A law enforcement officer or security guard in the performance  
12 of the officer's or security guard's official duty; or

13 ~~(4)~~ (III) An individual acting in defense of a crime of violence.

14 (c) If more than one person is endangered by the conduct of the defendant, a  
15 separate charge may be brought for each person endangered.

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