
By: Senators Haines, Jimeno, and Ferguson

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Vessels - Life Threatening Injury - Driving While Under the Influence**
3 **of an Inhalant**

4 FOR the purpose of providing that a person who causes life threatening injury to another
5 while driving a motor vehicle or vessel while so far under the influence of an
6 inhalant that the person cannot drive, operate, or control a motor vehicle or vessel
7 safely is guilty of a misdemeanor; expanding a provision relating to causing life
8 threatening injury to another while driving a motor vehicle or vessel while
9 intoxicated to make this provision applicable to driving while intoxicated by any
10 substance or combination of substances; imposing a certain penalty; defining a
11 certain term; providing for certain language to be used in an indictment,
12 information, or other charging document; and generally relating to motor vehicles,
13 vessels, and driving while under the influence of an inhalant.

14 BY repealing and reenacting, without amendments,
15 Article 27 - Crimes and Punishments
16 Section 301
17 Annotated Code of Maryland
18 (1996 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article 27 - Crimes and Punishments
21 Section 388B
22 Annotated Code of Maryland
23 (1996 Replacement Volume)

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**

27 301.

28 (a) It is unlawful for any person to deliberately smell or inhale such excessive
29 quantities of any drugs, or any other noxious substances or chemicals containing wholly or
30 in part any ketones, aldehydes, butyl nitrite, nitrous oxide, methyl benzene, organic
31 acetates, ether, chlorinated hydrocarbons, fluorinated hydrocarbons, or any other

2

1 substances containing solvents releasing toxic vapors, as cause conditions of intoxication,
2 inebriation, excitement, stupefaction or dulling of the brain or nervous system. This
3 section applies with particularity to fingernail polish, model airplane glue, or any other
4 substance or chemical which has the aforementioned effect upon the brain or nervous
5 system when smelled or inhaled; provided, that nothing in this section shall be interpreted
6 as applying to the inhalation of any anaesthesia for medical or dental purposes, and
7 further provided, that nothing in this section shall be interpreted as applying to the
8 controlled dangerous substances as defined in this subheading.

9 (b) Any person violating any provision of this section is guilty of a misdemeanor
10 and, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not
11 exceeding six months, or both.

12 388B.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) "INHALANT" MEANS ANY DRUG, SUBSTANCE, OR CHEMICAL THAT A
15 PERSON IS PROHIBITED FROM DELIBERATELY SMELLING OR INHALING UNDER § 301
16 OF THIS ARTICLE.

17 (3) "Intoxicated per se" means an alcohol concentration at the time of
18 testing of 0.10 or more as measured by grams of alcohol per 100 milliliters of blood or
19 grams of alcohol per 210 liters of breath.

20 [(3)] (4) "Under the influence of alcohol" has the meaning indicated in and
21 is subject to the same presumptions and evidentiary rules of § 10-307 of the Courts
22 Article regarding driving while under the influence of alcohol under § 21-902(b) of the
23 Transportation Article.

24 [(4)] (5) "Under the influence of drugs" means so far under the influence of
25 a drug, a combination of drugs, or a combination of one or more drugs and alcohol that
26 a person cannot drive, operate, or control a motor vehicle or vessel safely.

27 [(5)] (6) "Under the influence of a controlled dangerous substance" means
28 under the influence of a controlled dangerous substance, as that term is defined in § 279
29 of this article, if the person is not entitled to use the controlled dangerous substance
30 under the laws of this State.

31 (7) "UNDER THE INFLUENCE OF AN INHALANT" MEANS SO FAR UNDER
32 THE INFLUENCE OF AN INHALANT THAT A PERSON CANNOT DRIVE, OPERATE, OR
33 CONTROL A MOTOR VEHICLE OR VESSEL SAFELY.

34 (b) A person who causes a life threatening injury to another as a result of the
35 person's negligent driving, operation, or control of a motor vehicle or vessel while
36 intoxicated BY ANY SUBSTANCE OR COMBINATION OF SUBSTANCES or intoxicated per
37 se is guilty of a misdemeanor to be known as "life threatening injury by motor vehicle or
38 vessel while intoxicated or intoxicated per se", and on conviction the person shall be
39 punished by imprisonment for not more than 3 years or a fine of not more than \$5,000 or
40 both.

1 (c) A person who causes a life threatening injury to another as a result of the
2 person's negligent driving, operation, or control of a motor vehicle or vessel while under
3 the influence of alcohol is guilty of a misdemeanor to be known as "life threatening injury
4 by motor vehicle or vessel while under the influence of alcohol", and on conviction the
5 person shall be punished by imprisonment for not more than 2 years or a fine of not more
6 than \$3,000 or both.

7 (d) A person who causes a life threatening injury to another as a result of the
8 person's negligent driving, operation, or control of a motor vehicle or vessel while under
9 the influence of drugs is guilty of a misdemeanor to be known as "life threatening injury
10 by motor vehicle or vessel while under the influence of drugs", and on conviction the
11 person shall be punished by imprisonment for not more than 2 years or a fine of not more
12 than \$3,000 or both.

13 (e) A person who causes a life threatening injury to another as a result of the
14 person's negligent driving, operation, or control of a motor vehicle or vessel while under
15 the influence of a controlled dangerous substance is guilty of a misdemeanor to be known
16 as "life threatening injury by motor vehicle or vessel while under the influence of a
17 controlled dangerous substance", and on conviction the person shall be punished by
18 imprisonment for not more than 2 years or a fine of not more than \$3,000 or both.

19 (f) A PERSON WHO CAUSES LIFE THREATENING INJURY TO ANOTHER AS THE
20 RESULT OF THE PERSON'S NEGLIGENT DRIVING, OPERATION, OR CONTROL OF A
21 MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF AN INHALANT IS
22 GUILTY OF A MISDEMEANOR TO BE KNOWN AS "LIFE THREATENING INJURY BY
23 MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF AN INHALANT", AND
24 ON CONVICTION SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 3
25 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

26 (G) (1) In any indictment, information, or other charging document under this
27 section, it is not necessary to set forth the manner and means of the life threatening
28 injury.

29 (2) It shall be sufficient to use a formula substantially to the following
30 effect:

31 (i) "That A-B on the day of, nineteen hundred and
32 at the County (City) aforesaid, unlawfully, while intoxicated, did cause a life
33 threatening injury to C-D, against the peace, government, and dignity of the State.";

34 (ii) "That A-B on the day of, nineteen hundred and
35 at the County (City) aforesaid, unlawfully, while under the influence of alcohol,
36 did cause a life threatening injury to C-D, against the peace, government, and dignity of
37 the State.";

38 (iii) "That A-B on the day of, nineteen hundred and
39 at the County (City) aforesaid, unlawfully, while under the influence of drugs,
40 did cause a life threatening injury to C-D, against the peace, government, and dignity of
41 the State."; [or]

42 (iv) "That A-B on the day of, nineteen hundred and
43 at the County (City) aforesaid, unlawfully, while under the influence of a

4

1 controlled dangerous substance, did cause a life threatening injury to C-D, against the
2 peace, government, and dignity of the State."; OR

3 (V) "THAT A-B ON THE DAY OF , NINETEEN HUNDRED
4 AND AT THE COUNTY (CITY) AFORESAID, UNLAWFULLY, WHILE UNDER THE
5 INFLUENCE OF AN INHALANT, DID CAUSE LIFE THREATENING INJURY TO C-D,
6 AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

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