

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 32

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Forehand” and substitute “Senators Forehand, Stone, Kelley, Jimeno, and Green”.

AMENDMENT NO. 2

On page 1, in line 6, after “driving;” insert “repealing a provision that exempts conduct involving the use of a motor vehicle from a prohibition against recklessly engaging in conduct that creates a substantial risk of death or serious physical injury to another person; providing that the prohibition against recklessly engaging in conduct that creates a substantial risk of death or serious injury to another person does not apply to the discharge of a firearm from a motor vehicle by a law enforcement officer or security guard, under certain circumstances, or by an individual who is acting in defense of a crime of violence; requiring that the Motor Vehicle Administration assess a certain number of points against a person who is convicted of reckless endangerment committed by means of a motor vehicle, reckless driving that contributes to a motor vehicle accident that results in the death of another person, or negligent driving that contributes to a motor vehicle accident that results in the death of another person;”.

AMENDMENT NO. 3

On page 1, in line 15, after “(21)” insert “and (22) through (35)”; in line 16, after “(20)” insert “and (23) through (36)”; after line 18, insert:

“BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 12A-2

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)”;

(Over)

in line 21, after “16-402(a)(21)” insert “, (22), and (37) and 27-101(r)”; in line 26, after “Section” insert “16-402(a)(30) and”; and in the same line, strike “and 27-101(h)”.

AMENDMENT NO. 4

On page 2, in line 6, after “(21)” insert “and (22) through (35)”; and in line 7, after “(20)” insert “and (23) through (36)”.

AMENDMENT NO. 5

On page 2, after line 9, insert:

“Article 27 - Crimes and Punishments

12A-2.

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

[(2) Subject to the provisions of subsection (b) of this section, any person who recklessly discharges a firearm from a motor vehicle in such a manner that it creates a substantial risk of death or serious physical injury to another person is guilty of the misdemeanor of reckless endangerment and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.]

(b) (1) Subsection [(a)(1)] (A) of this section does not apply to any conduct involving[:

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

(ii) The] THE manufacture, production, or sale of any product or commodity.

(2) Subsection [(a)(2)] (A) of this section does not apply to any conduct involving THE DISCHARGE OF A FIREARM FROM A MOTOR VEHICLE IF THE INDIVIDUAL WHO DISCHARGES THE FIREARM IS:

(i) A law enforcement officer or security guard in the performance of the officer's or security guard's official duty; or

(ii) An individual acting in defense of a crime of violence.

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

AMENDMENT NO. 6

On page 2, after line 15, insert:

“(21) ANY VIOLATION OF § 21-901.1(B) OF THIS ARTICLE (“NEGLIGENT DRIVING”) THAT CONTRIBUTES TO A MOTOR VEHICLE ACCIDENT THAT RESULTS IN THE DEATH OF ANOTHER PERSON.....6 POINTS”;

in line 16, strike “(21)” and substitute “(22)”; and after line 16, insert:

“(30) Homicide, life threatening injury under Article 27, § 388B of the Code, [or] assault committed by means of a vehicle OR RECKLESS ENDANGERMENT UNDER ARTICLE 27, § 12A-2 OF THE CODE COMMITTED BY MEANS OF A MOTOR VEHICLE.....12 Points

(37) ANY VIOLATION OF § 21-901.1(A) OF THIS ARTICLE (“RECKLESS DRIVING”) THAT CONTRIBUTES TO A MOTOR VEHICLE ACCIDENT THAT RESULTS IN THE DEATH OF ANOTHER PERSON.....12 POINTS”.

AMENDMENT NO. 7

On page 2, strike in their entirety lines 24 through 33, inclusive, and substitute:

“(R) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-901.1(A) OF THIS ARTICLE (“RECKLESS DRIVING”) IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH.”.

