

SENATE BILL 32

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1998 Regular Session
8lr0340

(PRE-FILED)

By: ~~Senator Forehand~~ Senators Forehand, Stone, Kelley, Jimeno, and Green

Requested: September 11, 1997
Introduced and read first time: January 14, 1998
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 26, 1998

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Reckless Driving - Penalties and Points**

3 FOR the purpose of increasing the penalties for an initial or subsequent conviction for
4 reckless driving; increasing the number of points that the Motor Vehicle
5 Administration is required to assess against an individual who is convicted of
6 reckless driving; repealing a provision that exempts conduct involving the use of
7 a motor vehicle from a prohibition against recklessly engaging in conduct that
8 creates a substantial risk of death or serious physical injury to another person;
9 providing that the prohibition against recklessly engaging in conduct that
10 creates a substantial risk of death or serious injury to another person does not
11 apply to the discharge of a firearm from a motor vehicle by a law enforcement
12 officer or security guard, under certain circumstances, or by an individual who
13 is acting in defense of a crime of violence; requiring that the Motor Vehicle
14 Administration assess a certain number of points against a person who is
15 convicted of reckless endangerment committed by means of a motor vehicle,
16 reckless driving that contributes to a motor vehicle accident that results in the
17 death of another person, or negligent driving that contributes to a motor vehicle
18 accident that results in the death of another person; making a stylistic change;
19 and generally relating to increasing the criminal penalties and points for a
20 conviction for reckless driving.

21 BY repealing
22 Article - Transportation
23 Section 16-402(a)(12)
24 Annotated Code of Maryland

1 (1992 Replacement Volume and 1997 Supplement)

2 BY renumbering

3 Article - Transportation

4 Section 16-402(a)(13) through (21) and (22) through (35), respectively

5 to be Section 16-402(a)(12) through (20) and (23) through (36), respectively

6 Annotated Code of Maryland

7 (1992 Replacement Volume and 1997 Supplement)

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 and 1997 Supplement)

13 BY adding to

14 Article - Transportation

15 Section 16-402(a)(21), (22), and (37) and 27-101(r)

16 Annotated Code of Maryland

17 (1992 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Transportation

20 Section 16-402(a)(30) and 21-901.1(a) and ~~27-101(h)~~

21 Annotated Code of Maryland

22 (1992 Replacement Volume and 1997 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That Section(s) 16-402(a)(12) of Article - Transportation of the

25 Annotated Code of Maryland be repealed.

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16-402(a)(13)

27 through (21) and (22) through (35), respectively, of Article - Transportation of the

28 Annotated Code of Maryland be renumbered to be Section(s) 16-402(a)(12) through

29 (20) and (23) through (36), respectively.

30 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland

31 read as follows:

32 **Article 27 - Crimes and Punishments**

33 12A-2.

34 (a) [(1)] Any person who recklessly engages in conduct that creates a

35 substantial risk of death or serious physical injury to another person is guilty of the

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

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

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

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

12 (ii) The| THE manufacture, production, or sale of any product or
13 commodity.

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

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

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

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

22 **Article - Transportation**

23 16-402.

24 (a) After the conviction of an individual for a violation of Article 27, § 388, §
25 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any
26 local authority, points shall be assessed against the individual as of the date of
27 violation and as follows:

28 (21) ANY VIOLATION OF § 21-901.1(B) OF THIS ARTICLE ("NEGLIGENT
29 DRIVING") THAT CONTRIBUTES TO A MOTOR VEHICLE ACCIDENT THAT RESULTS IN
30 THE DEATH OF ANOTHER PERSON 6 POINTS

31 ~~(21)~~ (22) RECKLESS DRIVING 8 POINTS

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

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

4 21-901.1.

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

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

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

10 27-101.

11 (h) ~~Any person who is convicted of a violation of any of the provisions of §~~
12 ~~15-502(a) of this article ("License required"), § 16-303(a), (b), (c), (d), (e), (f), or (g) of~~
13 ~~this article ("Driving while license is canceled, suspended, refused, or revoked"), §~~
14 ~~17-107 of this article ("Prohibitions"), [or] § 17-110 of this article ("Providing false~~
15 ~~evidence of required security"), OR § 21-901.1(A) OF THIS ARTICLE ("RECKLESS~~
16 ~~DRIVING") is subject to:~~

17 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
18 for not more than 1 year, or both; and

19 (2) For any subsequent offense, a fine of not more than \$1,000, or
20 imprisonment for not more than 2 years, or both.

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

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 1998.