

SENATE BILL 475

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R5

1998 Regular Session
8r2210
CF 8r1728

By: **Senator Kelley (Maryland State's Attorneys' Association) and Senators
Forehand, Jimeno, Stone, and Colburn**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Reckless Endangerment**

3 FOR the purpose of repealing a provision that exempts conduct involving the use of a
4 motor vehicle from a prohibition against recklessly engaging in conduct that
5 creates a substantial risk of death or serious physical injury to another person;
6 providing that the prohibition against recklessly engaging in conduct that
7 creates a substantial risk of death or serious physical injury to another person
8 does not apply to the discharge of a firearm from a motor vehicle by a law
9 enforcement officer or security guard, under certain circumstances, or by an
10 individual who is acting in defense of a crime of violence; and generally relating
11 to motor vehicles and reckless endangerment.

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 12A-2
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 12A-2.

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

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

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

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

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

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

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

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1998.