
By: **Delegates Hutchins and J. Kelly**
Introduced and read first time: February 10, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Reckless Endangerment - Use of Motor Vehicle - Exceptions**

3 FOR the purpose of including in the crime of reckless endangerment the use of a
4 motor vehicle to avoid apprehension or detention by certain persons; and
5 generally relating to the crime of reckless endangerment.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 12A-2
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1998 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 12A-2.

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

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

24 (b) (1) Subsection (a)(1) of this section does not apply to any conduct
25 involving:

26 (i) The use of a motor vehicle as defined in § 11-135 of the
27 Transportation Article UNLESS THE MOTOR VEHICLE WAS USED TO AVOID

1 APPREHENSION OR DETENTION BY A LAW ENFORCEMENT OFFICER OR A SECURITY
2 OFFICER ACTING WITHIN THE SCOPE OF EMPLOYMENT; or

3 (ii) The manufacture, production, or sale of any product or
4 commodity.

5 (2) Subsection (a)(2) of this section does not apply to any conduct
6 involving:

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1999.