

---

By: **Delegates Cryor, Amedori, Boutin, Dypski, La Vay, Pitkin, and Walkup**  
Introduced and read first time: February 11, 1999  
Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Vehicular Manslaughter and Homicide by Motor Vehicle While**  
3 **Intoxicated - Penalties**

4 FOR the purpose of requiring a court to impose a mandatory minimum fine for a  
5 conviction of certain vehicular homicide crimes; requiring that the mandatory  
6 minimum fine be paid over to a certain person after the fine is paid to the court;  
7 defining a certain term; and generally relating to fines for vehicular  
8 manslaughter and homicide by motor vehicle while intoxicated.

9 BY repealing and reenacting, without amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 388A(a)(1) and (2)  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1998 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 27 - Crimes and Punishments  
16 Section 388 and 388A(b)  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1998 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 388.

23 (A) Every person causing the death of another as the result of the driving,  
24 operation or control of an automobile, motor vehicle, locomotive, engine, car, streetcar,  
25 train, vessel, or other vehicle in a grossly negligent manner, shall be guilty of a felony  
26 to be known as "manslaughter by automobile, motor vehicle, locomotive, engine, car,  
27 streetcar, train, vessel, or other vehicle," and the person so convicted shall be  
28 sentenced to jail or the house of correction for not more than 10 years[, or] AND

1 SHALL be fined not [more] LESS than \$5,000 or [be both fined and imprisoned] JUST  
2 FINED.

3 (B) (1) NOTWITHSTANDING § 643 OF THIS ARTICLE, IT IS MANDATORY ON  
4 THE COURT TO IMPOSE NO LESS THAN THE MINIMUM FINE OF \$5,000.

5 (2) THE MANDATORY MINIMUM FINE OF \$5,000 MAY NOT BE  
6 SUSPENDED.

7 (3) (I) THE FINE IMPOSED UNDER THIS SECTION, UPON REMITTANCE  
8 TO THE COURT, SHALL BE PAID OVER TO A MEMBER OF THE VICTIM'S IMMEDIATE  
9 FAMILY.

10 (II) IN THIS PARAGRAPH, "IMMEDIATE FAMILY" MEANS A SPOUSE,  
11 PARENT, CHILD, SIBLING, STEPPARENT, STEPCHILD, OR STEPSIBLING.

12 (C) In any indictment or other charging document for manslaughter by  
13 automobile, motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other  
14 vehicle, it shall not be necessary to set forth the manner and means of death. It shall  
15 be sufficient to use a formula substantially to the following effect: "That A-B on the  
16 .... day of ....., nineteen hundred and .. at the County (City) aforesaid, unlawfully, in a  
17 grossly negligent manner did kill and slay C-D."

18 388A.

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

20 (2) (i) "Intoxicated per se" means an alcohol concentration at the time  
21 of testing of 0.10 or more as measured by grams of alcohol per 100 milliliters of blood  
22 or grams of alcohol per 210 liters of breath.

23 (ii) If the alcohol concentration is measured by milligrams of  
24 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a  
25 court shall convert the measurement into grams of alcohol per 100 milliliters of blood  
26 by dividing the measurement by 1000.

27 (b) (1) Any person causing the death of another as the result of the person's  
28 negligent driving, operation, or control of a motor vehicle or vessel while intoxicated  
29 or intoxicated per se is guilty of a felony to be known as "homicide by motor vehicle or  
30 vessel while intoxicated", and the person so convicted shall be punished by  
31 imprisonment for not more than 5 years [, or] AND SHALL [by fine of not more than  
32 \$5,000 or both fine and imprisonment] BE FINED NOT LESS THAN \$5,000, OR JUST  
33 FINED.

34 (2) NOTWITHSTANDING § 643 OF THIS ARTICLE, IT IS MANDATORY ON  
35 THE COURT TO IMPOSE NO LESS THAN THE MINIMUM FINE OF \$5,000.

36 (3) THE MANDATORY MINIMUM FINE OF \$5,000 MAY NOT BE  
37 SUSPENDED.

1                   (4)     (I)       THE FINE IMPOSED UNDER THIS SECTION, UPON REMITTANCE  
2 TO THE COURT, SHALL BE PAID OVER TO A MEMBER OF THE VICTIM'S IMMEDIATE  
3 FAMILY.

4                               (II)     IN THIS PARAGRAPH, "IMMEDIATE FAMILY" MEANS A SPOUSE,  
5 PARENT, CHILD, SIBLING, STEPPARENT, STEPCHILD, OR STEPSIBLING.

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