

SENATE BILL 119

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R5  
SB 32/98 - JPR

1999 Regular Session  
9r1049

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By: **Senators Forehand, Kelley, and Stone**  
Introduced and read first time: January 22, 1999  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

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  
25 (1998 Replacement Volume and 1998 Supplement)

26 BY renumbering  
27 Article - Transportation  
28 Section 16-402(a)(13) through (21) and (22) through (35), respectively  
29 to be Section 16-402(a)(12) through (20) and (23) through (36), respectively  
30 Annotated Code of Maryland  
31 (1998 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article 27 - Crimes and Punishments  
3 Section 12A-2  
4 Annotated Code of Maryland  
5 (1996 Replacement Volume and 1998 Supplement)

6 BY adding to  
7 Article - Transportation  
8 Section 16-402(a)(21), (22), and (37) and 27-101(s)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 1998 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Transportation  
13 Section 16-402(a)(30) and 21-901.1(a)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 1998 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That Section(s) 16-402(a)(12) of Article - Transportation of the  
18 Annotated Code of Maryland be repealed.

19 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16-402(a)(13)  
20 through (21) and (22) through (35), respectively, of Article - Transportation of the  
21 Annotated Code of Maryland be renumbered to be Section(s) 16-402(a)(12) through  
22 (20) and (23) through (36), respectively.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
24 read as follows:

25 **Article 27 - Crimes and Punishments**

26 12A-2.

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

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

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

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

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

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

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

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

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

13 **Article - Transportation**

14 16-402.

15 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
16 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any  
17 local authority, points shall be assessed against the individual as of the date of  
18 violation and as follows:

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

22 (22) RECKLESS DRIVING .....8 POINTS

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

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

30 21-901.1.

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

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

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

3 27-101.

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

7       SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 1999.