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By: **Senator Bromwell**

Introduced and read first time: February 3, 1999

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Death of a Child - Gross Negligence**

3 FOR the purpose of providing that a person who causes the death of a child as a result  
4 of gross negligence is guilty of a felony; providing certain penalties, including  
5 imprisonment and a fine; providing for the contents of certain charging  
6 documents; and generally relating to homicide.

7 BY adding to  
8 Article 27 - Crimes and Punishments  
9 Section 388D  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article 27 - Crimes and Punishments  
14 Section 415  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 1998 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 388D.

21 (A) A PERSON MAY NOT CAUSE THE DEATH OF A CHILD AS A RESULT OF  
22 GROSS NEGLIGENCE.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
24 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT  
25 EXCEEDING 10 YEARS OR BOTH.

26 (C) (1) AN INDICTMENT, INFORMATION, OR OTHER CHARGING DOCUMENT  
27 UNDER THIS SECTION NEED NOT SET FORTH THE MANNER AND MEANS OF DEATH.

1           (2)     AN INDICTMENT, INFORMATION, OR OTHER CHARGING DOCUMENT  
2 FOR A CRIME UNDER THIS SECTION IS SUFFICIENT IF IT SUBSTANTIALLY STATES:

3     "(NAME OF DEFENDANT) (DATE) IN (COUNTY) AS A RESULT OF GROSS  
4 NEGLIGENCE KILLED (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND  
5 DIGNITY OF THE STATE."

6 415.

7     A prosecution for murder or manslaughter, whether at common law or under  
8 Article 27, §§ 407 through 411, § 387, § 388, [or] § 388A, OR § 388D, may be instituted  
9 regardless of the time elapsed between the act or omission causing the death of the  
10 victim and the death of the victim.

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