
By: **Delegates Grosfeld, Amedori, R. Baker, Barkley, Barve, Billings, Bobo, Boutin, Bronrott, Burns, Carlson, Clagett, Cole, Cryor, D. Davis, Dobson, Finifter, Franchot, Frush, Fulton, Getty, Giannetti, Gladden, Goldwater, Hecht, Heller, Hubbard, Hubers, Hurson, A. Jones, V. Jones, Kagan, Klausmeier, Kopp, Mandel, Marriott, McHale, McIntosh, Menes, Montague, Morhaim, Nathan-Pulliam, Paige, Parrott, Petzold, Pitkin, Rawlings, Riley, Rosso, Rudolph, Sher, Shriver, Stern, Turner, and Zirkin**

Introduced and read first time: February 3, 2000
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2000

CHAPTER _____

1 AN ACT concerning

2 **Homicide by Aggressive Driving**

3 FOR the purpose of establishing the crime of homicide by aggressive driving for a
4 person who ~~commits at least a certain number of motor vehicle violations in~~
5 ~~connection with a single traffic incident that results in~~ causes the death of
6 another person by driving a motor vehicle in wanton or willful disregard for the
7 safety of persons or property or in a manner that indicates a wanton or willful
8 disregard for the safety of persons or property; providing for certain penalties;
9 ~~specifying certain violations to which the crime of homicide by aggressive~~
10 ~~driving applies~~; providing for the assessment of points by the Motor Vehicle
11 Administration for a conviction for the crime of homicide by aggressive driving;
12 ~~defining a certain term~~; and generally relating to establishing the crime of
13 homicide by aggressive driving.

14 BY adding to
15 Article 27 - Crimes and Punishments
16 Section 388D
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, with amendments,

1 Article - Transportation
 2 Section 16-402(a)
 3 Annotated Code of Maryland
 4 (1999 Replacement Volume and 1999 Supplement)

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

7 **Article 27 - Crimes and Punishments**

8 388D.

9 ~~(A) IN THIS SECTION, "SINGLE TRAFFIC INCIDENT" MEANS AN ACCIDENT~~
 10 ~~THAT OCCURS WITHIN THE SAME COURSE OF CONDUCT AND DURING THE~~
 11 ~~CONTINUOUS OPERATION OF A MOTOR VEHICLE WITHOUT INTERRUPTION.~~

12 ~~(B) A PERSON IS GUILTY OF HOMICIDE BY AGGRESSIVE DRIVING IF, WHILE~~
 13 ~~DRIVING A MOTOR VEHICLE, THAT PERSON COMMITS TWO OR MORE OF THE~~
 14 ~~VIOLATIONS THAT ARE SPECIFIED IN SUBSECTION (C) OF THIS SECTION THAT GIVE~~
 15 ~~RISE TO A SINGLE TRAFFIC INCIDENT THAT RESULTS IN THE DEATH OF ANOTHER~~
 16 ~~PERSON.~~

17 ~~(C) THIS SECTION APPLIES TO VIOLATIONS OF THE FOLLOWING PROVISIONS~~
 18 ~~OF THE TRANSPORTATION ARTICLE:~~

- 19 (1) ~~§ 21-201 ("OBEDIENCE TO TRAFFIC CONTROL DEVICES");~~
 20 (2) ~~§ 21-202 ("TRAFFIC LIGHTS WITH STEADY INDICATION");~~
 21 (3) ~~§ 21-301 ("DRIVING ON THE RIGHT SIDE OF ROADWAY");~~
 22 (4) ~~§ 21-303 ("OVERTAKING AND PASSING VEHICLES");~~
 23 (5) ~~§ 21-308 ("ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS");~~
 24 (6) ~~§ 21-309 ("DRIVING ON LANED ROADWAYS");~~
 25 (7) ~~§ 21-310 ("FOLLOWING TOO CLOSELY");~~
 26 (8) ~~§ 21-402 ("TURNING LEFT OR MAKING U-TURN");~~
 27 (9) ~~§ 21-502 ("PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS");~~
 28 (10) ~~§ 21-504 ("DRIVER'S DUTY TO EXERCISE DUE CARE TO AVOID~~
 29 ~~PEDESTRIANS");~~
 30 (11) ~~§ 21-602 ("U-TURN ON CURVE OR CREST OF GRADE");~~
 31 (12) ~~§ 21-706 ("OVERTAKING AND PASSING SCHOOL VEHICLE");~~

- 1 (1) Any moving violation not listed below and not contributing to an
2 accident 1 point
- 3 (2) Following another vehicle too closely.....2 points
- 4 (3) Speeding in excess of the posted speed limit by 10 miles an hour or
5 more2 points
- 6 (4) Driving with an improper class of license2 points
- 7 (5) Failing to stop for a school vehicle with activated alternately flashing
8 red lights2 points
- 9 (6) Any violation of § 21-1111 of this article2 points
- 10 (7) Passing an emergency or police vehicle under the provisions of §
11 21-405(d) of this article2 points
- 12 (8) A violation of § 21-511(a) of this article2 points
- 13 (9) Failure to stop a vehicle for a steady red traffic signal in violation of
14 § 21-202 of this article.....2 points
- 15 (10) Any moving violation contributing to an accident.....3 points
- 16 (11) Driving after suspension of license under the provisions of § 17-106,
17 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
18 of another state as described in § 16-303(i) of this title.....3 points
- 19 (12) Any violation, except violations committed on the John F. Kennedy
20 Memorial Highway, of § 21-1411 of this article3 points
- 21 (13) Reckless driving4 points
- 22 (14) Speeding in excess of the posted speed limit by 30 miles an hour or
23 more5 points
- 24 (15) Driving while not licensed.....5 points
- 25 (16) Failure to report an accident5 points
- 26 (17) Driving on a learner's permit unaccompanied.....5 points
- 27 (18) Any violation of § 17-107 of this article5 points
- 28 (19) Participating in a race or speed contest on a highway5 points
- 29 (20) Any violation of § 16-304 or § 16-305 of this title5 points
- 30 (21) Any violation of § 22-404.5 of this article5 points

- 1 (22) Speeding in excess of a posted speed limit of 65 miles an hour by 20
2 miles an hour or more.....5 points
- 3 (23) Driving while under the influence of alcohol or while under influence
4 of a drug, combination of drugs, or combination of drugs and alcohol8 points
- 5 (24) Turning off lights of a vehicle to avoid identification8 points
- 6 (25) Failing to stop after accident resulting in damage to attended vehicle
7 or property8 points
- 8 (26) Failing to stop after accident resulting in damage to unattended
9 vehicle or property8 points
- 10 (27) Any violation of § 16-815 or § 16-816 of this title8 points
- 11 (28) Failing to stop after an accident resulting in bodily injury or
12 death 12 points
- 13 (29) Driving after refusal, suspension, cancellation, or revocation of
14 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
15 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another
16 state as described in § 16-303(i) of this title 12 points
- 17 (30) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1) through
18 (9) of this title 12 points
- 19 (31) Homicide, life threatening injury under Article 27, § 388B of the
20 Code, or assault committed by means of a vehicle..... 12 points
- 21 (32) Driving while intoxicated, while intoxicated per se, or while under
22 the influence of illegally used controlled dangerous substance..... 12 points
- 23 (33) Any felony involving use of a vehicle..... 12 points
- 24 (34) Fleeing or attempting to elude a police officer 12 points
- 25 (35) The making of a false affidavit or statement under oath, or falsely
26 certifying to the truth of any fact or information to the Administration under the
27 Maryland Vehicle Law or under any law relating to the ownership or operation of
28 motor vehicles..... 12 points
- 29 (36) Any violation involving an unlawful taking or unauthorized use of a
30 motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this article 12 points

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.

