

SENATE BILL 231

Unofficial Copy  
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2000 Regular Session  
0lr0980  
CF 0lr0519

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By: **Senators Forehand, Mooney, and Jimeno**  
Introduced and read first time: January 27, 2000  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Homicide by Negligent Driving**

3 FOR the purpose of establishing the crime of homicide by negligent driving; providing  
4 for certain penalties; providing for the assessment of a certain number of points  
5 by the Motor Vehicle Administration for a conviction for the crime of homicide by  
6 negligent driving; and generally relating to the crime of homicide by negligent  
7 driving.

8 BY adding to  
9 Article 27 - Crimes and Punishments  
10 Section 388D  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 16-402(a)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 1999 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 388D.

22 (A) A PERSON IS GUILTY OF HOMICIDE BY NEGLIGENT DRIVING IF THE  
23 PERSON, IN CONSEQUENCE OF THE NEGLIGENT OPERATION OF A MOTOR VEHICLE,  
24 CAUSES THE DEATH OF ANOTHER PERSON.

25 (B) (1) IN ANY INDICTMENT, INFORMATION, OR OTHER CHARGING  
26 DOCUMENT UNDER THIS SECTION, IT IS NOT NECESSARY TO SET FORTH THE  
27 MANNER AND MEANS OF DEATH.

1 (2) IT SHALL BE SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO  
2 THE FOLLOWING EFFECT:

3 "THAT A-B ON THE DAY OF , TWO THOUSAND AND AT THE COUNTY (CITY)  
4 AFORESAID, UNLAWFULLY, IN A NEGLIGENT MANNER DID KILL C-D, AGAINST THE  
5 PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

6 (C) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS  
7 GUILTY OF A MISDEMEANOR AND SUBJECT TO IMPRISONMENT NOT EXCEEDING 5  
8 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

9 **Article - Transportation**

10 16-402.

11 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
12 388A, [or] § 388B, OR § 388D of the Code, or of the vehicle laws or regulations of this  
13 State or of any local authority, points shall be assessed against the individual as of the  
14 date of violation and as follows:

15 (1) Any moving violation not listed below and not contributing to an  
16 accident ..... 1 point

17 (2) Following another vehicle too closely .....2 points

18 (3) Speeding in excess of the posted speed limit by 10 miles an hour or  
19 more .....2 points

20 (4) Driving with an improper class of license .....2 points

21 (5) Failing to stop for a school vehicle with activated alternately flashing  
22 red lights .....2 points

23 (6) Any violation of § 21-1111 of this article .....2 points

24 (7) Passing an emergency or police vehicle under the provisions of §  
25 21-405(d) of this article .....2 points

26 (8) A violation of § 21-511(a) of this article .....2 points

27 (9) Failure to stop a vehicle for a steady red traffic signal in violation of  
28 § 21-202 of this article .....2 points

29 (10) Any moving violation contributing to an accident .....3 points

30 (11) Driving after suspension of license under the provisions of § 17-106,  
31 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations  
32 of another state as described in § 16-303(i) of this title .....3 points

33 (12) Any violation, except violations committed on the John F. Kennedy  
34 Memorial Highway, of § 21-1411 of this article .....3 points

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1	(13)	Reckless driving .....	4 points
2	(14)	Speeding in excess of the posted speed limit by 30 miles an hour or	
3	more .....		5 points
4	(15)	Driving while not licensed .....	5 points
5	(16)	Failure to report an accident .....	5 points
6	(17)	Driving on a learner's permit unaccompanied .....	5 points
7	(18)	Any violation of § 17-107 of this article .....	5 points
8	(19)	Participating in a race or speed contest on a highway .....	5 points
9	(20)	Any violation of § 16-304 or § 16-305 of this title .....	5 points
10	(21)	Any violation of § 22-404.5 of this article .....	5 points
11	(22)	Speeding in excess of a posted speed limit of 65 miles an hour by 20	
12	miles an hour or more .....		5 points
13	(23)	Driving while under the influence of alcohol or while under influence	
14	of a drug, combination of drugs, or combination of drugs and alcohol .....		8 points
15	(24)	Turning off lights of a vehicle to avoid identification .....	8 points
16	(25)	Failing to stop after accident resulting in damage to attended vehicle	
17	or property .....		8 points
18	(26)	Failing to stop after accident resulting in damage to unattended	
19	vehicle or property .....		8 points
20	(27)	Any violation of § 16-815 or § 16-816 of this title .....	8 points
21	(28)	Failing to stop after an accident resulting in bodily injury or	
22	death .....		12 points
23	(29)	Driving after refusal, suspension, cancellation, or revocation of	
24	license except for suspensions of license under the provisions of § 17-106, § 26-204, §		
25	26-206, or § 27-103 of this article, or under the traffic laws or regulations of another		
26	state as described in § 16-303(i) of this title .....		12 points
27	(30)	Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1) through	
28	(9) of this title .....		12 points
29	(31)	Homicide, life threatening injury under Article 27, § 388B of the	
30	Code, or assault committed by means of a vehicle .....		12 points
31	(32)	Driving while intoxicated, while intoxicated per se, or while under	
32	the influence of illegally used controlled dangerous substance .....		12 points

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1 (33) Any felony involving use of a vehicle ..... 12 points

2 (34) Fleeing or attempting to elude a police officer ..... 12 points

3 (35) The making of a false affidavit or statement under oath, or falsely  
4 certifying to the truth of any fact or information to the Administration under the  
5 Maryland Vehicle Law or under any law relating to the ownership or operation of  
6 motor vehicles ..... 12 points

7 (36) Any violation involving an unlawful taking or unauthorized use  
8 of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this  
9 article ..... 12 points

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