
By: **Senators Roesser, Ferguson, Sfikas, Forehand, Haines, Mooney, and Jimeno**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 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 while driving a motor vehicle during a single traffic incident
5 commits at least a certain number of motor vehicle violations ~~in connection with~~
6 ~~a single traffic incident that results in the death of another person~~ and causes
7 the death of another person as a result of the person's negligent driving of the
8 motor vehicle; providing for certain penalties; specifying certain violations to
9 which the crime of homicide by aggressive driving applies; providing for the
10 assessment of points by the Motor Vehicle Administration for a conviction for the
11 crime of homicide by aggressive driving; defining a certain term; and generally
12 relating to establishing the crime of homicide by aggressive driving.

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

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 16-402(a)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 1999 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 388D.

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

8 (B) A PERSON IS GUILTY OF HOMICIDE BY AGGRESSIVE DRIVING IF, WHILE
9 DRIVING A MOTOR VEHICLE DURING A SINGLE TRAFFIC INCIDENT, ~~THAT THE~~
10 PERSON:

11 (1) COMMITS TWO OR MORE OF THE VIOLATIONS THAT ARE SPECIFIED
12 IN SUBSECTION (C) OF THIS SECTION ~~THAT GIVE RISE TO A SINGLE TRAFFIC~~
13 ~~INCIDENT THAT RESULTS IN THE DEATH OF ANOTHER PERSON; AND~~

14 (2) CAUSES THE DEATH OF ANOTHER PERSON AS A RESULT OF THE
15 PERSON'S NEGLIGENT DRIVING OF THE MOTOR VEHICLE.

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

18 (1) § 21-201 ("OBEDIENCE TO TRAFFIC CONTROL DEVICES");

19 (2) § 21-202 ("TRAFFIC LIGHTS WITH STEADY INDICATION");

20 (3) § 21-301 ("DRIVING ON THE RIGHT SIDE OF ROADWAY");

21 (4) § 21-303 ("OVERTAKING AND PASSING VEHICLES");

22 (5) § 21-308 ("ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS");

23 (6) § 21-309 ("DRIVING ON LANED ROADWAYS");

24 (7) § 21-310 ("FOLLOWING TOO CLOSELY");

25 (8) § 21-402 ("TURNING LEFT OR MAKING U-TURN");

26 (9) § 21-502 ("PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS");

27 (10) § 21-504 ("DRIVER'S DUTY TO EXERCISE DUE CARE TO AVOID
28 PEDESTRIANS");

29 (11) § 21-602 ("U-TURN ON CURVE OR CREST OF GRADE");

30 (12) § 21-706 ("OVERTAKING AND PASSING SCHOOL VEHICLE");

31 (13) § 21-707 ("STOP SIGNS AND YIELD SIGNS");

1 (14) § 21-801.1 ("MAXIMUM LIMITS") FOR VIOLATIONS THAT INVOLVE
2 SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY 10 MILES PER HOUR OR MORE;

3 (15) § 21-1102 ("LIMITATIONS ON BACKING");

4 (16) § 21-1121 ("CHILDREN IN REAR OF PICK UP TRUCKS"); AND

5 (17) § 21-1209 ("THROWING OBJECT AT BICYCLIST; OPENING DOOR OF
6 MOTOR VEHICLE").

7 (D) (1) IN ANY INDICTMENT, INFORMATION, OR OTHER CHARGING
8 DOCUMENT UNDER THIS SECTION, IT IS NOT NECESSARY TO SET FORTH THE
9 MANNER AND MEANS OF DEATH.

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

12 "THAT A-B ON THE DAY OF , TWO THOUSAND AND AT THE COUNTY
13 (CITY) AFORESAID, UNLAWFULLY DID COMMIT THE OFFENSE OF HOMICIDE BY
14 AGGRESSIVE DRIVING THAT RESULTED IN THE DEATH OF C-D, AGAINST THE PEACE,
15 GOVERNMENT, AND DIGNITY OF THE STATE."

16 (E) IN A CASE IN A CIRCUIT COURT IN WHICH THE GENERAL FORM OF
17 INDICTMENT OR INFORMATION IS USED TO CHARGE AN OFFENSE UNDER THIS
18 SECTION, THE DEFENDANT, ON TIMELY DEMAND, IS ENTITLED TO A BILL OF
19 PARTICULARS.

20 (F) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS
21 GUILTY OF A MISDEMEANOR AND SUBJECT TO IMPRISONMENT ~~IN THE~~
22 ~~PENITENTIARY~~ NOT EXCEEDING ~~3 YEARS~~ 1 YEAR OR A FINE NOT EXCEEDING ~~\$5,000~~
23 \$1,000 OR BOTH.

24 **Article - Transportation**

25 16-402.

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

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

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

33 (3) Speeding in excess of the posted speed limit by 10 miles an hour or
34 more2 points

35 (4) Driving with an improper class of license2 points

- 1 (5) Failing to stop for a school vehicle with activated alternately flashing
2 red lights2 points
- 3 (6) Any violation of § 21-1111 of this article2 points
- 4 (7) Passing an emergency or police vehicle under the provisions of §
5 21-405(d) of this article.....2 points
- 6 (8) A violation of § 21-511(a) of this article2 points
- 7 (9) Failure to stop a vehicle for a steady red traffic signal in violation of
8 § 21-202 of this article.....2 points
- 9 (10) Any moving violation contributing to an accident.....3 points
- 10 (11) Driving after suspension of license under the provisions of § 17-106,
11 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
12 of another state as described in § 16-303(i) of this title.....3 points
- 13 (12) Any violation, except violations committed on the John F. Kennedy
14 Memorial Highway, of § 21-1411 of this article3 points
- 15 (13) Reckless driving4 points
- 16 (14) Speeding in excess of the posted speed limit by 30 miles an hour or
17 more5 points
- 18 (15) Driving while not licensed.....5 points
- 19 (16) Failure to report an accident5 points
- 20 (17) Driving on a learner's permit unaccompanied.....5 points
- 21 (18) Any violation of § 17-107 of this article5 points
- 22 (19) Participating in a race or speed contest on a highway5 points
- 23 (20) Any violation of § 16-304 or § 16-305 of this title5 points
- 24 (21) Any violation of § 22-404.5 of this article5 points
- 25 (22) Speeding in excess of a posted speed limit of 65 miles an hour by 20
26 miles an hour or more.....5 points
- 27 (23) Driving while under the influence of alcohol or while under influence
28 of a drug, combination of drugs, or combination of drugs and alcohol8 points
- 29 (24) Turning off lights of a vehicle to avoid identification.....8 points
- 30 (25) Failing to stop after accident resulting in damage to attended vehicle
31 or property8 points

5.....

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

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