
By: **Delegates Cryor, Amedori, Boutin, Brown, DeCarlo, Dypski, La Vay,
Pitkin, Rawlings, Stocksdale, Walkup, Bronrott, and Hubers**
Introduced and read first time: January 18, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Vehicular Manslaughter and Homicide by Motor Vehicle While**
3 **Intoxicated - Penalties**

4 FOR the purpose of requiring a court to impose a mandatory minimum fine for a
5 conviction of certain vehicular homicide crimes; requiring that the mandatory
6 minimum fine be paid over to a certain person after the fine is paid to the court;
7 defining a certain term; and generally relating to fines for vehicular
8 manslaughter and homicide by motor vehicle while intoxicated.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 388 and 388A(b)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article 27 - Crimes and Punishments
16 Section 388A(a)(1) and (2)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2000 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 388.

23 (A) Every person causing the death of another as the result of the driving,
24 operation or control of an automobile, motor vehicle, locomotive, engine, car, streetcar,
25 train, vessel, or other vehicle in a grossly negligent manner, shall be guilty of a felony
26 to be known as "manslaughter by automobile, motor vehicle, locomotive, engine, car,
27 streetcar, train, vessel, or other vehicle," and the person so convicted shall be

1 sentenced to jail or the house of correction for not more than 10 years[, or] AND
2 SHALL be fined not [more] LESS than \$5,000 or [be both fined and imprisoned] JUST
3 FINED.

4 (B) (1) NOTWITHSTANDING § 643 OF THIS ARTICLE, IT IS MANDATORY ON
5 THE COURT TO IMPOSE NO LESS THAN THE MINIMUM FINE OF \$5,000.

6 (2) THE MANDATORY MINIMUM FINE OF \$5,000 MAY NOT BE
7 SUSPENDED.

8 (3) (I) IN THIS PARAGRAPH, "IMMEDIATE FAMILY" MEANS A SPOUSE,
9 PARENT, CHILD, SIBLING, STEPPARENT, STEPCHILD, STEPSISTER, OR STEPBROTHER.

10 (II) THE FINE IMPOSED UNDER THIS SECTION, UPON REMITTANCE
11 TO THE COURT, SHALL BE PAID IN EQUAL PORTIONS TO MEMBERS OF THE VICTIM'S
12 IMMEDIATE FAMILY.

13 (C) In any indictment or other charging document for manslaughter by
14 automobile, motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other
15 vehicle, it shall not be necessary to set forth the manner and means of death. It shall
16 be sufficient to use a formula substantially to the following effect: "That A-B on the
17 day of, nineteen hundred and .. at the County (City) aforesaid, unlawfully, in a
18 grossly negligent manner did kill and slay C-D."

19 388A.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) "Intoxicated per se" means an alcohol concentration at the time
22 of testing of 0.10 or more as measured by grams of alcohol per 100 milliliters of blood
23 or grams of alcohol per 210 liters of breath.

24 (ii) If the alcohol concentration is measured by milligrams of
25 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a
26 court shall convert the measurement into grams of alcohol per 100 milliliters of blood
27 by dividing the measurement by 1000.

28 (b) (1) Any person causing the death of another as the result of the person's
29 negligent driving, operation, or control of a motor vehicle or vessel while intoxicated
30 or intoxicated per se is guilty of a felony to be known as "homicide by motor vehicle or
31 vessel while intoxicated", and the person so convicted shall be punished by
32 imprisonment for not more than 5 years [, or] AND SHALL [by fine of not more than
33 \$5,000 or both fine and imprisonment] BE FINED NOT LESS THAN \$5,000 OR JUST
34 FINED.

35 (2) NOTWITHSTANDING § 643 OF THIS ARTICLE, IT IS MANDATORY ON
36 THE COURT TO IMPOSE NO LESS THAN THE MINIMUM FINE OF \$5,000.

37 (3) THE MANDATORY MINIMUM FINE OF \$5,000 MAY NOT BE
38 SUSPENDED.

1 (4) (I) IN THIS PARAGRAPH, "IMMEDIATE FAMILY" MEANS A SPOUSE,
2 PARENT, CHILD, SIBLING, STEPPARENT, STEPCHILD, STEPSISTER, OR STEPBROTHER.

3 (II) THE FINE IMPOSED UNDER THIS SECTION, UPON REMITTANCE
4 TO THE COURT, SHALL BE PAID IN EQUAL PORTIONS TO MEMBERS OF THE VICTIM'S
5 IMMEDIATE FAMILY.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2001.