
By: **Delegate Doory**
Introduced and read first time: January 25, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Death or Life Threatening Injury -**
3 **Prohibition of Expungement of Criminal Records of Probation Before**
4 **Judgment Dispositions**

5 FOR the purpose of prohibiting the expungement of certain criminal records relating
6 to crimes involving death or life threatening injury caused by certain uses of
7 motor vehicles or vessels while intoxicated or under the influence of alcohol,
8 drugs, or controlled dangerous substances if a probation before judgment is
9 entered under certain circumstances; and generally relating to criminal records.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Procedure
12 Section 10-105(a)(3)
13 Annotated Code of Maryland
14 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2001)

15 BY repealing and reenacting, without amendments,
16 Article 27 - Crimes and Punishments
17 Section 388A(b), (c), (d)(1), and (e) and 388B(b), (c), (d), and (e)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2000 Supplement)

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

22 **Article - Criminal Procedure**

23 10-105.

24 (a) A person who has been charged with the commission of a crime, including
25 a violation of the Transportation Article for which a term of imprisonment may be
26 imposed, may file a petition listing relevant facts for expungement of a police record,
27 court record, or other record maintained by the State or a political subdivision of the
28 State if:

1 (3) a probation before judgment is entered, unless the person is charged
2 with a violation of § 21-902 of the Transportation Article OR ARTICLE 27, § 388A OR §
3 388B OF THE CODE;

4

Article 27 - Crimes and Punishments

5 388A.

6 (b) Any person causing the death of another as the result of the person's
7 negligent driving, operation, or control of a motor vehicle or vessel while intoxicated
8 or intoxicated per se is guilty of a felony to be known as "homicide by motor vehicle or
9 vessel while intoxicated", and the person so convicted shall be punished by
10 imprisonment for not more than 5 years, or by fine of not more than \$5,000 or both
11 fine and imprisonment.

12 (c) A person who causes the death of another as the result of the person's
13 negligent driving, operation, or control of a motor vehicle or vessel while under the
14 influence of alcohol is guilty of a felony to be known as "homicide by motor vehicle or
15 vessel while under the influence", and on conviction shall be punished by
16 imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

17 (d) (1) A person who causes the death of another as the result of the person's
18 negligent driving, operation, or control of a motor vehicle or vessel while under the
19 influence of drugs is guilty of a felony to be known as "homicide by motor vehicle or
20 vessel while under the influence of drugs", and on conviction shall be punished by
21 imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

22 (e) A person who causes the death of another as the result of the person's
23 negligent driving, operation, or control of a motor vehicle or vessel while under the
24 influence of a controlled dangerous substance is guilty of a felony to be known as
25 "homicide by motor vehicle or vessel while under the influence of a controlled
26 dangerous substance", and on conviction shall be punished by imprisonment for not
27 more than 3 years or a fine of not more than \$5,000 or both.

28 388B.

29 (b) A person who causes a life threatening injury to another as a result of the
30 person's negligent driving, operation, or control of a motor vehicle or vessel while
31 intoxicated or intoxicated per se is guilty of a misdemeanor to be known as "life
32 threatening injury by motor vehicle or vessel while intoxicated or intoxicated per se",
33 and on conviction the person shall be punished by imprisonment for not more than 3
34 years or a fine of not more than \$5,000 or both.

35 (c) A person who causes a life threatening injury to another as a result of the
36 person's negligent driving, operation, or control of a motor vehicle or vessel while
37 under the influence of alcohol is guilty of a misdemeanor to be known as "life
38 threatening injury by motor vehicle or vessel while under the influence of alcohol",
39 and on conviction the person shall be punished by imprisonment for not more than 2
40 years or a fine of not more than \$3,000 or both.

1 (d) A person who causes a life threatening injury to another as a result of the
2 person's negligent driving, operation, or control of a motor vehicle or vessel while
3 under the influence of drugs is guilty of a misdemeanor to be known as "life
4 threatening injury by motor vehicle or vessel while under the influence of drugs", and
5 on conviction the person shall be punished by imprisonment for not more than 2 years
6 or a fine of not more than \$3,000 or both.

7 (e) A person who causes a life threatening injury to another as a result of the
8 person's negligent driving, operation, or control of a motor vehicle or vessel while
9 under the influence of a controlled dangerous substance is guilty of a misdemeanor to
10 be known as "life threatening injury by motor vehicle or vessel while under the
11 influence of a controlled dangerous substance", and on conviction the person shall be
12 punished by imprisonment for not more than 2 years or a fine of not more than \$3,000
13 or both.

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