

HOUSE BILL 751

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HB 417/00 - JUD

2001 Regular Session
11r1127

By: **Delegates Grosfeld, R. Baker, Barkley, Barve, Billings, Bobo, Boutin, Bronrott, Burns, Carlson, Clagett, Cole, Cryor, D. Davis, Dobson, Finifter, Franchot, Frush, Getty, Giannetti, Gladden, Goldwater, Hecht, Heller, Hixson, 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 8, 2001
Assigned to: Judiciary

A BILL ENTITLED

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 the death of another
6 person; providing for certain penalties; specifying certain violations to which the
7 crime of homicide by aggressive driving applies; providing for the assessment of
8 points by the Motor Vehicle Administration for a conviction for the crime of
9 homicide by aggressive driving; defining a certain term; and generally relating
10 to establishing the crime of homicide by aggressive driving.

11 BY adding to
12 Article 27 - Crimes and Punishments
13 Section 388D
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Transportation
18 Section 16-402(a)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

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

1

Article 27 - Crimes and Punishments

2 388D.

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

6 (B) A PERSON IS GUILTY OF HOMICIDE BY AGGRESSIVE DRIVING IF, WHILE
7 DRIVING A MOTOR VEHICLE, THAT PERSON COMMITS TWO OR MORE OF THE
8 VIOLATIONS THAT ARE SPECIFIED IN SUBSECTION (C) OF THIS SECTION THAT GIVE
9 RISE TO A SINGLE TRAFFIC INCIDENT THAT RESULTS IN THE DEATH OF ANOTHER
10 PERSON.

11 (C) THIS SECTION APPLIES TO VIOLATIONS OF THE FOLLOWING PROVISIONS
12 OF THE TRANSPORTATION ARTICLE:

- 13 (1) § 21-201 ("OBEDIENCE TO TRAFFIC CONTROL DEVICES");
- 14 (2) § 21-202 ("TRAFFIC LIGHTS WITH STEADY INDICATION");
- 15 (3) § 21-301 ("DRIVING ON THE RIGHT SIDE OF ROADWAY");
- 16 (4) § 21-303 ("OVERTAKING AND PASSING VEHICLES");
- 17 (5) § 21-308 ("ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS");
- 18 (6) § 21-309 ("DRIVING ON LANED ROADWAYS");
- 19 (7) § 21-310 ("FOLLOWING TOO CLOSELY");
- 20 (8) § 21-402 ("TURNING LEFT OR MAKING U-TURN");
- 21 (9) § 21-502 ("PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS");
- 22 (10) § 21-504 ("DRIVER'S DUTY TO EXERCISE DUE CARE TO AVOID
23 PEDESTRIANS");
- 24 (11) § 21-602 ("U-TURN ON CURVE OR CREST OF GRADE");
- 25 (12) § 21-706 ("OVERTAKING AND PASSING SCHOOL VEHICLE");
- 26 (13) § 21-707 ("STOP SIGNS AND YIELD SIGNS");
- 27 (14) § 21-801.1 ("MAXIMUM LIMITS") FOR VIOLATIONS THAT INVOLVE
28 SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY 10 MILES PER HOUR OR MORE;
- 29 (15) § 21-1102 ("LIMITATIONS ON BACKING");
- 30 (16) § 21-1121 ("CHILDREN IN REAR OF PICKUP TRUCKS"); AND

1 (17) § 21-1209 ("THROWING OBJECT AT BICYCLIST; OPENING DOOR OF
2 MOTOR VEHICLE").

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

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

8 "THAT A-B ON THE ____ DAY OF _____, TWO THOUSAND AND ____ AT THE
9 COUNTY (CITY) AFORESAID, UNLAWFULLY DID COMMIT THE OFFENSE OF HOMICIDE
10 BY AGGRESSIVE DRIVING THAT RESULTED IN THE DEATH OF C-D, AGAINST THE
11 PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

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

16 (F) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS
17 GUILTY OF A MISDEMEANOR AND SUBJECT TO IMPRISONMENT IN THE
18 PENITENTIARY NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

19 **Article - Transportation**

20 16-402.

21 (a) After the conviction of an individual for a violation of Article 27, § 388, §
22 388A,[or] § 388B, OR § 388D of the Code, or of the vehicle laws or regulations of this
23 State or of any local authority, points shall be assessed against the individual as of the
24 date of violation and as follows:

25 (1) Any moving violation not listed below and not contributing to an
26 accident 1 point

27 (2) Following another vehicle too closely2 points

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

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

31 (5) Failing to stop for a school vehicle with activated alternately flashing
32 red lights3 points

33 (6) Any violation of § 21-1111 of this article2 points

34 (7) Passing an emergency or police vehicle under the provisions
35 of § 21-405(d) of this article2 points

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1	(8)	A violation of § 21-511(a) of this article	2 points
2	(9)	Failure to stop a vehicle for a steady red traffic signal in violation of	
3		§ 21-202 of this article	2 points
4	(10)	Any moving violation contributing to an accident	3 points
5	(11)	Driving after suspension of license under the provisions of § 17-106,	
6		§ 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations	
7		of another state as described in § 16-303(i) of this title	3 points
8	(12)	Any violation, except violations committed on the John F. Kennedy	
9		Memorial Highway, of § 21-1411 of this article	3 points
10	(13)	Speeding in excess of the posted speed limit by 30 miles an hour or	
11		more	5 points
12	(14)	Driving while not licensed	5 points
13	(15)	Failure to report an accident	5 points
14	(16)	Driving on a learner's permit unaccompanied	5 points
15	(17)	Any violation of § 17-107 of this article	5 points
16	(18)	Participating in a race or speed contest on a highway	5 points
17	(19)	Any violation of § 16-304 or § 16-305 of this title	5 points
18	(20)	Any violation of § 22-404.5 of this article	5 points
19	(21)	Speeding in excess of a posted speed limit of 65 miles an hour by 20	
20		miles an hour or more	5 points
21	(22)	Reckless driving	6 points
22	(23)	Driving while under the influence of alcohol or while under influence	
23		of a drug, combination of drugs, or combination of drugs and alcohol	8 points
24	(24)	Turning off lights of a vehicle to avoid identification	8 points
25	(25)	Failing to stop after accident resulting in damage to attended vehicle	
26		or property	8 points
27	(26)	Failing to stop after accident resulting in damage to unattended	
28		vehicle or property	8 points
29	(27)	Any violation of § 16-815 or § 16-816 of this title	8 points
30	(28)	Failing to stop after an accident resulting in bodily injury or	
31		death	12 points

1 (29) Driving after refusal, suspension, cancellation, or revocation of
2 license except for suspensions of license under the provisions of § 17-106, §
3 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
4 of another state as described in § 16-303(i) of this title 12 points

5 (30) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1) through
6 (9) of this title 12 points

7 (31) Homicide, life threatening injury under Article 27, § 388B of the
8 Code, or assault committed by means of a vehicle 12 points

9 (32) Driving while intoxicated, while intoxicated per se, or while under
10 the influence of illegally used controlled dangerous substance 12 points

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

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

13 (35) The making of a false affidavit or statement under oath, or falsely
14 certifying to the truth of any fact or information to the Administration under the
15 Maryland Vehicle Law or under any law relating to the ownership or operation of
16 motor vehicles 12 points

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

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